

CASE NO.

VOLUME

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THOMAS JOSEPH CUDDIHY
Workers' Compensation Claimant
(Claim No. 5042579)

THE WORKERS' COMPENSATION
APPEALS TRIBUNAL OF NOVA SCOTIA and
THE WORKERS' COMPENSATION
BOARD OF NOVA SCOTIA

- and -

(Appellant)

(Respondent)

C.A. No. 144519

Halifax, N.S.

CROMWELL, J.A.

Cite as: Cuddihy v. Nova Scotia (Workers' Compensation Appeals Tribunal), 1998 NSCA 130

APPEAL HEARD:

May 29, 1998

JUDGMENT DELIVERED:

June 19, 1998

SUBJECT: **Workers' Compensation Act**, R.S.N.S. 1994-95, c. 10

SUMMARY: The appellant was injured in June of 1993 and awarded temporary total disability benefits from June until September of that year. The Board's Hearing Officer refused to extend these benefits beyond that date and Mr. Cuddihy appealed to the Workers' Compensation Appeals Tribunal. The Tribunal awarded additional temporary total disability benefits for one period of time but refused benefits for another. In reaching its decision the Tribunal applied the provisions of the former **Workers' Compensation Act**, R.S.N.S. 1989, c. 508.

ISSUE: Did the Tribunal err in applying the provisions of the former **Act**?

RESULT: The appeal is allowed and the matter remitted to the Tribunal for reconsideration. In light of the decision of this Court in **Workers' Compensation Board of Nova Scotia v. Workers' Compensation Appeals Tribunal of Nova Scotia and Muise** (May 12, 1998), it is now clear that cases such as this, which are governed by the transitional provisions of s. 229 of the **Workers' Compensation Act** are to be considered under the current and not the former **Act**. In light of this holding, the Court found it unnecessary to deal with other issues raised on the appeal.

<p>THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION, QUOTES MUST BE FROM THE DECISION, NOT FROM THE COVER SHEET. THE FULL COURT DECISION CONSISTS OF 9 PAGES.</p>
