

NOVA SCOTIA COURT OF APPEAL

Citation: *Maritime Paper Products Limited Partnership v. LeBlanc*,
2016 NSCA 13

Date: 20160225
Docket: CA 432343
Registry: Halifax

Between:

Maritime Paper Products Limited Partnership

Appellant

v.

John LeBlanc (Worker), Workers' Compensation
Appeals Tribunal (Nova Scotia), Workers' Compensation
Board (Nova Scotia), Nova Scotia Attorney General,

Respondents

Judge: The Honourable Justice David P.S. Farrar
Appeal Heard: November 16, 2015, in Halifax, Nova Scotia
Subject: **Workers' Compensation Law. Interpretation of s. 187 of
Workers' Compensation Act, S.N.S. 1994-95, c. 10.
Application of Board Policies 3.3.4R, 1.4.3 and 3.9.11R1.**

Summary: The respondent was employed with Maritime Paper when he
injured his left shoulder on April 28, 2011.

He underwent a Permanent Medical Impairment (PMI)
assessment on April 23, 2013, and was awarded a 14% PMI
by the Board.

Maritime Paper appealed the PMI rating to WCAT arguing
that the PMI rating was inflated because it rated the worker's
lack of range of motion in his shoulder as well as the presence
of crepitus. This, it said, offended the Board's policies with

respect to the determination of permanent impairments.

It also argued that WCAT failed to properly apply the burden of proof in s. 187 of the *Act*; erred in failing to apportion the award between compensable and non-compensable injuries and failed to properly consider the expert medical evidence in accordance with Board policy.

Issues: Did WCAT commit reviewable error in concluding that the respondent was entitled to a PMI of 14%?

Result: Appeal dismissed. WCAT properly considered and applied the burden of proof in s. 187 of the *Act* and it properly considered and applied the Board policies in assessing the respondent's PMI.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 18 pages.