

**CASE NO.**

**VOL. NO.**

**PAGE**

MARY LLOYD

- and -

**NOVA SCOTIA WORKERS'  
COMPENSATION APPEALS  
TRIBUNAL, and the WORKERS'  
COMPENSATION BOARD OF  
NOVA SCOTIA**

(Appellant)

(Respondents)

CA170723

Halifax, N.S.

**Chipman, J.A.**

[Cite as: *Lloyd v. Nova Scotia (Workers' Compensation Appeals Tribunal)*, 2002 NSCA 18]

**APPEAL HEARD:**

January 7, 2002

**JUDGMENT DELIVERED:**

February 4, 2002

**REVISED LIBRARY SHEET:**

This library sheet has been corrected according to the erratum attached to this library sheet.

**SUBJECT:**

***Workers' Compensation Act 1994-95, c. 10 - Finding of Chronic Pain pursuant to s. 10E of Workers' Compensation Act Effect of Such on Claims for Non-Chronic Pain.***

**SUMMARY:**

The appellant sustained five workplace injuries, two prior to the window period of March 23, 1990 to February 1, 1996 referred to in s. 10E and three within that period. The appellant had an appeal under way with respect to these claims to Workers' Compensation Appeals Tribunal on November 25, 1998. The Tribunal found that the appellant had chronic pain that commenced following one or more of the injuries in the window period, and that as a result she was entitled to benefits specifically provided for in s. 10E of the **Act** but that pursuant to that section her appeal with respect to any injury was void.

**ISSUE:**

Whether in the circumstances s. 10E of the **Act** operated by reason of chronic pain following window period accidents to render all or any part of the appellant's appeal void.

**RESULT:**

The Nova Scotia Court of Appeal reviewed the authorities and the provisions of s. 10A, 10B, 10E, 10F and 10G and concluded that the finding of chronic pain only operated to preclude any award for chronic pain other than as provided in s. 10E. The appellant's claims were remitted to the Tribunal for a determination of what, if any, compensation she was entitled with respect to other than chronic pain.

**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 10 pages.**

Date: 20020204  
Docket: CA170723

**NOVA SCOTIA COURT OF APPEAL**

[Cite as: *Lloyd v. Nova Scotia (Workers' Compensation Board)*, 2002 NSCA 18]

**Glube, C.J.N.S., Chipman and Freeman, J.J.A.**

**BETWEEN:**

**MARY LLOYD**

Appellant

- and -

**NOVA SCOTIA WORKERS' COMPENSATION APPEALS TRIBUNAL,  
the WORKERS' COMPENSATION BOARD OF NOVA SCOTIA**  
Respondents

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**E R R A T U M**

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Counsel:	The appellant in person
	Janet E. Curry for the respondent
WCB	
	Louanne Labelle for the respondent
WCAT	
	W. Dean Smith for the Attorney
General of Nova Scotia	

Appeal Heard: January 17, 2002

Judgment Delivered: February 4, 2002

**THE COURT:** The appeal is allowed per reasons for judgment

of Chipman, J.A.; Glube, C.J.N.S. and  
Freeman, J.A. concurring.

Please note:

**On the library sheet attached to this decision, the second line under Summary should read: "period of March 23, 1990 to February 1, 1996" rather than "period of March 29, 1996 to June 13, 1996".**