

**CASE NO.** **VOLUME** **PAGE**  
Cite as: Nova Scotia (Workers' Compensation Board) v. MacLeod, 1998 NSCA 121

WORKERS' COMPENSATION BOARD  
OF NOVA SCOTIA

WORKERS' COMPENSATION  
APPEALS TRIBUNAL and  
BRENDA MacLEOD

- and -

(Appellant)

(Respondents)

C.A. No. 144114

Halifax, N.S.

FLINN, J.A.  
(orally)

---

APPEAL HEARD: May 21, 1998

JUDGMENT DELIVERED: May 21, 1998

WRITTEN RELEASE OF ORAL: May 25, 1998

SUBJECT: **Workers' Compensation - Medical Aid Benefit - s. 71(1) Workers' Compensation Act**

SUMMARY: The Workers' Compensation Appeals Tribunal (WCAT) reversed a Board decision, and that of a Hearing Officer, and awarded disability benefits to the worker. WCAT also granted medical aid under s. 71(1) of the **Act**. The Board does not appeal the decision awarding disability benefits, but appeals the granting of medical aid. The Board claims that WCAT had no jurisdiction to grant medical aid, submitting that the granting of medical aid is in the sole discretion of the Board.

RESULT: Appeal dismissed.

1. The denial of disability benefits to the worker was the reason why medical aid was refused by the Claims Adjudicator and the Hearing Officer;
2. WCAT reversed that decision and awarded disability benefits to the worker;
3. The provisions of the **Act** respecting appeals from the Hearing Officer to WCAT include broad powers of review;
4. Notwithstanding that the Board was aware - through the notice of appeal - that the issue of medical aid would be dealt with by WCAT in this case, the record discloses no objection, by the Board, to WCAT's jurisdiction at that time.

**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 3 PAGES.**