

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

Hart, Jones and Macdonald, J.J.A.

BETWEEN:

HARVEY SHORT	)	Harold A. MacIsaac
	)	for the Appellant
Appellant	)	
	)	Jonathan Davies
- and -	)	for the Respondent
	)	
WORKERS' COMPENSATION APPEAL BOARD	)	
	)	Appeal Heard:
Respondent	)	March 15, 1990
	)	
	)	Judgment Delivered:
	)	March 15, 1990
	)	
	)	
	)	

THE COURT: Appeal dismissed without costs, per oral reasons for judgment of Hart, J.A.; Jones and Macdonald, J.J.A. concurring.

The reasons for judgment of the Court were delivered orally by:

HART, J.A.:

This is an appeal against the decision of the Workers' Compensation Appeal Board by which the appellant's permanent partial disability was increased from 17% to 27%.

The principal argument of the appellant is that the Appeal Board did not give reasons for its decision and since the evidence would call for a much higher percentage, that the matter should be referred back to the Board for reconsideration.

In our opinion, the Appeal Board had complete jurisdiction under the Workers' Compensation Act to decide what functional disability applied to the appellant. In their decision they quoted from the medical evidence before them and accepted that the appellant was totally and permanently disabled from performing the type of work for which he was trained. He was limited in the future to other types of work and few of these occupations would be available to him in the area where he lived. After considering these circumstances, they concluded that his percentage of disability previously found by the Board should be increased.

We are satisfied that the Board has given adequate reasons for their conclusion and that there is no basis upon which this Court should interfere with their finding. We see

no error in law or jurisdiction on the part of the Appeal Board and would, therefore, dismiss the appeal without costs.



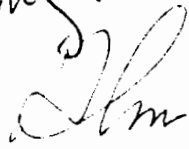
J.A.

Concurred in:

Jones, J.A.



Macdonald, J.A.



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Nova Scotia



Workers' Compensation  
Appeal Board

2nd Floor  
Lord Nelson Arcade  
Spring Garden Road  
PO Box 3311  
Halifax, Nova Scotia  
B3J 3J1

Our file no:

WORKERS' COMPENSATION APPEAL BOARD HEARING

Transcript of evidence in the hearing of:

Mr. Harvey Short  
Sampson's Cove  
Richmond County, Nova Scotia  
BOE 3C0

Claim No. 1076299

Held at:	the Meeting Room, Claymore Motel Antigonish, Nova Scotia
Date:	November 6, 1989
Represented by:	Mr. Harold A. MacIsaac Barrister, Solicitor
Appellant:	Mr. Harvey Short
Chairman:	Mr. Lawrence Scaravelli
Board Members Present:	Mr. Donald Hutchinson Mrs. Shirley MacNeill
Recorded by:	Mr. John J. O'Brien
Transcript by:	Mrs. Mary B. Jewers