

NOVA SCOTIA COURT OF APPEAL

Citation: *Nova Scotia (Workers' Compensation Board) v. Fowler*, 2004 NSCA 90

Date: 20040709

Docket: CA 211076

Registry: Halifax

Between:

Workers' Compensation Board of Nova Scotia

Appellant

v.

Workers' Compensation Appeals Tribunal of Nova Scotia
and Lloyd Robert Fowler and Central Equipment Limited

Respondent

Judge: The Honourable Justice M. Jill Hamilton

Appeal Heard: June 14, 2004

Subject: *Section 31(2) of the Workers' Compensation Act, "expenditure"*

Summary: The Workers' Compensation Board withheld a portion of a third party recovery it received with respect to a subrogated third party claim relating to Mr. Fowler and applied it towards the internal operating costs of running its "third party unit."

Issue: Did the Board have authority under s.31(2) of the **Workers' Compensation Act** to withhold this amount?

Result: Appeal allowed. The phrase "other expenditures" in s. 31(2) is broad enough to include the Board's internal operating costs incurred in pursuing the third party claim.

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 11 pages.

