

CASE NO.

VOL. NO.

PAGE

THE WORKERS' COMPENSATION BOARD (N.S.)

THE WORKERS' COMPENSATION APPEALS TRIBUNAL OF NOVA SCOTIA and ARTHUR JOHNSTONE (WCB Claim No. 5058161)

- and -

(Appellant)

(Respondents)

CA 156428

Halifax, N.S.

FREEMAN, J.A.

[Cite as: Nova Scotia (Workers' Compensation Board) v. Nova Scotia (Workers' Compensation Appeals Tribunal), 1999 NSCA 164]

APPEAL HEARD:

November 15, 1999

JUDGMENT DELIVERED:

December 24, 1999

SUBJECT:

Workers Compensation Appeals Tribunal; Appeal; S. 187; Burden of Proof; Causation; Standard of Review

SUMMARY:

The Workers' Compensation Board appealed a Tribunal finding that the worker had proven his bladder cancer was caused by his employment to the standard required by s. 187 of the **Workers' Compensation Act**. This reversed a Board finding that the evidence was insufficient to associate the illness with the workplace. In the absence of a specific medical opinion, the Tribunal considered circumstantial and generic evidence.

ISSUE:

Whether the Tribunal's conclusion was patently unreasonable.

RESULT:

The appeal was dismissed. It was not patently unreasonable for the Tribunal to conclude on the evidence before it that the worker had proved causation to the s. 187 standard of a balance of disputed possibilities.

This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 13 pages.