

CASE NO.

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RANDALL R. HUPHMAN

- and -

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

(Appellant)

(Respondents)

CA164877

Halifax, N.S.

Flinn, J.A.

Cite as: Huphman v. Nova Scotia (Workers' Compensation Appeals Tribunal), 2001 NSCA 40

APPEAL HEARD:

February 7, 2001

JUDGMENT DELIVERED:

February 21, 2001

SUBJECT:

Workers' Compensation benefits - psychiatric condition in connection with chronic pain - whether psychiatric condition is a separate compensable condition from chronic pain.

SUMMARY:

The appellant injured his knee in a work related accident. The injury was non responsive to treatment, the appellant continued to suffer pain which became chronic. The doctors found little pathology in the knee to explain the chronic pain. The appellant applied for and received limited benefits for chronic pain under the provisions of s. 10E of the **Act**. The appellant developed a psychiatric condition. He became depressed, despondent and suicidal. He was treated with anti-depressants but unable to return to work. He applied for benefits, in addition to the benefits he was receiving for chronic pain, for the psychiatric condition. On the basis of the medical evidence the Tribunal determined that the psychiatric condition was related to the chronic pain and was not, therefore, a separate compensable condition.

RESULT:

Appeal dismissed.

The appellant did not challenge the factual finding of the Tribunal that the appellant's psychiatric condition is connected with his chronic pain; rather, argued that the psychiatric condition was not chronic pain within the meaning of s. 10A.

The definition of chronic pain in s. 10A of the **Act** recognizes its complex and multi-faceted features by providing that it includes chronic pain syndrome, fibromyalgia, myofascial pain syndrome, and all like or related conditions.

In view of the unchallenged factual finding by the Tribunal - that the appellant's psychiatric condition is connected with his chronic pain - the psychiatric condition comes within the definition of chronic pain in s. 10A of the **Act** and is not a separate compensable condition.

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 8 pages.