

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
<b>METROPOLITAN ENTERTAINMENT GROUP</b> , (Workers' Compensation Board Claim No. 1656602)	- and -	<b>ANGELA DURNFORD, THE NOVA SCOTIA WORKERS' COMPENSATION APPEALS TRIBUNAL and THE WORKERS' COMPENSATION BOARD OF NOVA SCOTIA</b>

(Appellant)

(Respondents)

CA161356

Halifax, N.S.

Freeman, J.A.

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[Cite as: Metropolitan Entertainment Group v. Durnford, 2000 NSCA 122]

**APPEAL HEARD:** September 25, 2000

**JUDGMENT DELIVERED:** October 26, 2000

**SUBJECT:** **Workers' Compensation, epicondylitis, causation, deference**

**SUMMARY:** The Workers' Compensation Appeals Tribunal found epicondylitis (tennis elbow) aggravated by the repetitive motion of dealing blackjack in a casino to be a compensable workplace injury, reversing the Workers' Compensation Board. The employer appealed.

**ISSUE:** Did the Appeals Tribunal owe deference to the hearing officer's conclusions respecting expert evidence that causation was not established to a scientific standard?

**RESULT:** The appeal was dismissed. Section 246 of the **Workers' Compensation Act** requires an independent adjudication by the Tribunal, which must defer to the hearing officer only with respect to advantages enjoyed by the hearing officer in the fact-finding process. The **Act** establishes standards for entitlement to benefit which are not scientific standards of causation.

<p><b>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 14 pages.</b></p>
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