

CASE NO.

VOLUME

PAGE

Cite as: Bacich v. Holt, 1998 NSCA 208

JIM BACICH, GREG A. BLANCHARD
REINHOLD ENDRES, Q.C., GEORGE
L. FOX, BESSIE M. DUNICK, BILL McKEE,
KEVIN McNAMARA and GRANTVAUGHAN,
as Trustees of the Nova Scotia Public Service
Long Term Disability Plan Trust Fund and
Maritime Life Assurance Co., as Medical
Adjudicator for LTD claims

GOLDIE HOLT

- and -

(Appellants)

(Respondent)

C.A. No. 147707

Halifax, N.S.

Bateman, J.A.

APPEAL HEARD:

November 23, 1998

JUDGMENT DELIVERED:

December 21, 1998

SUBJECT: **Judicial review.**

SUMMARY: Ms. Holt received disability benefits for 30 months under the N.S. government employee's LTD Plan. After a member has received benefits for 30 months, the definition of "disabled" changes. The Plan Administrator terminated benefits. Ms. Holt appealed under the Plan. The arbitrator appointed to hear the appeal confirmed the termination of benefits. Ms. Holt applied to the Supreme Court for judicial review. The Supreme Court judge reversed the decision of the arbitrator, finding jurisdictional error. The Board of Trustees of the Plan appealed.

ISSUES: According to what standard should the decision of the arbitrator be reviewed? Applying this standard, was the Supreme Court judge correct in finding error?

RESULT: Appeal allowed. The arbitrator under the LTD plan was functioning as a consensual tribunal protected by a privative clause and therefore entitled to a high level of deference. His decision did not reveal jurisdictional error.

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