

Workers' Compensation Appeal Tribunal

Reopen and Vary – Decision #173

Claim No.: 2006-0453

Date of Notice of Appeal: November 2, 2009

Date of Oral Hearing by Appeal Committee: June 24, 2010

Date of Original Decision: August 23, 2010

Date of Reopening: October 21, 2010

Date of Decision: ***October 21, 2010**

Appeal Committee Members appointed under s. 64(1) of the *Workers' Compensation Act*, S.Y. 2008, c. 12

Committee Chair:	E. Sumner
Member representative of employers:	H. Hermanson
Member representative of workers:	M. McCullough

[* This decision replaces an earlier Decision #173 dated August 23, 2010. The appeal committee reopened Decision #173 on October 21, 2010 under section 65 (6) of the *Workers' Compensation Act* to clarify the order.]

Reopening and Variance of Order

Regarding Decision No. #173 – Claim No. 2006-0453

On August 23, 2010 the appeal committee released its decision ordering as follows:

The worker's benefits shall be reinstated retroactively to August 15, 2008, including wage loss benefits, medical treatment costs and any out of pocket expenses related to the work-related disability.

It has recently come to our attention that we did not provide interest on compensation benefits pursuant to section 31 of the *Act*. Therefore, we are of the view that we should exercise our discretion under 64 (6) of the *Act* to reopen our August 23, 2010 decision and we do so: we vary the order to read as follows:

The worker's appeal is allowed. The case manager's July 31, 2008 and October 1, 2008 decisions are reversed.

1. The worker's benefits shall be reinstated retroactively to August 15, 2008, including wage loss benefits, medical treatment costs and any out of pocket expenses related to the work-related disability.
2. The board shall pay interest on compensation in accordance with board Policy EL-03 and section 31 of the *Workers' Compensation Act*, S.Y. 2008, c. 12.

Dated this **21st day of October 2010** in the City of Whitehorse, in the Yukon Territory.

This decision is made with the concurrence of the appeal committee.

Ed Sumner, Committee Chair

Committee Members:

E. Sumner	Committee Chair
M. McCullough	Member
H. Hermanson	Member