

# Workers' Compensation Appeal Tribunal

## Reopen and Vary – Decision #178

**Claim No.: 3000-4631**

Date of Notice of Appeal: August 23, 2010

Date of Oral Hearing by Appeal Committee: November 10, 2010

Date of Original Decision: December 22, 2010

Date of Reopening: January 6, 2011

Date of Decision: **\*January 7, 2011**

**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:	N. Huston
Member representative of workers:	M. McCullough

[\* This decision replaces an earlier Decision #178 dated December 22, 2010. The appeal committee reopened Decision #178 on January 6, 2010 under section 65 (6) of the *Workers' Compensation Act* to include payment of interest.]

## Reopening and Variance of Order

Regarding Decision #178 – Claim No. 3000-4631

On December 22, 2010 the appeal committee released its decision ordering as follows:

1. The worker's compensation benefits shall be reinstated retroactively to March 19, 2010, the date they were terminated.
2. The worker shall be provided with rehabilitation assistance pursuant to section 39 of the *Workers' Compensation Act*, S.Y. 2008.

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 December 22, 2010 decision and we do so: we vary the order to include:

The worker's appeal is allowed. The hearing officer's August 19, 2010 decision is reversed.

1. The worker's compensation benefits shall be reinstated retroactively to March 19, 2010, the date they were terminated.
2. The worker shall be provided with rehabilitation assistance pursuant to section 39 of the *Workers' Compensation Act*, S.Y. 2008.
3. 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 **7<sup>th</sup> day of January 2011** in the City of Whitehorse, in the Yukon Territory.

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

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Ed Sumner, Committee Chair

### Committee Members:

E. Sumner	Committee Chair
M. McCullough	Member
N. Huston	Member