

Workers' Compensation Appeal Tribunal

Reopening and Variance of Order

Regarding Decision No. #161 – Claim No. 2005-1789

Date of Reopening: March 2, 2010

Date of Decision: *March 4, 2010

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

Appeal Committee Members

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|-------------------------------------|---------------|
| Presiding Officer: | H. Leenders |
| Member representative of employers: | H. Hermanson |
| Member representative of workers: | M. McCullough |

Documentary Review

Location: #201, 419 Range Road
Whitehorse, Yukon Territory

[* This decision replaces an earlier Decision #161 dated January 11, 2010. The appeal committee reopened Decision #161 on March 2, 2010 under the Board of Director's direction to stay and amend the decision pursuant to section 64 (8) and 64(10) of the *Workers' Compensation Act*.]

Reopening and Variance of Order

Regarding Decision No. #161 – Claim No. 2005-1789

On January 14, 2010, on the application of the worker, the appeal committee released its decision ordering as follows:

The worker's appeal is granted. The hearing officer's decision of May 12, 2009 is overturned.

1. The board shall reinstate the worker to full compensation, monetary and medical, from the day of his termination, January 30, 2009.
2. The board shall assist the worker, over the next three months, in finding employment which he is capable of performing in his present condition. Should no such employment be found in Whitehorse, then the board shall assist in retraining the worker for a job which his condition would allow him to do.
3. The worker shall co-operate and actively participate in the rehabilitation process.

On February 5, 2010 the Board of Directors issued a Stay with Recommendation to Amend Jurisdictional Error or Rehear Pursuant to sections 64(8) and 64(10) of the *Act*.

The appeal committee reviewed the Stay with respect to Decision #161. We amend the order to read as follows:

The worker's appeal is allowed. The hearing officer's May 12, 2009 decision is reversed.

1. The worker continues to suffer from a work-related disability.
2. The board shall reinstate the worker to full compensation, monetary and medical, from the day of his termination, January 30, 2009.

Dated this 4th day of **March 2010** in the City of Whitehorse, in the Yukon Territory.

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

H. Leenders, Presiding Officer

Committee Members:

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| H. Leenders | Presiding Officer |
| M. McCullough | Member |
| H. Hermanson | Member |