

ALBERT V. BRITISH COLUMBIA (WORKERS' COMPENSATION APPEAL TRIBUNAL)

Decision Summary

Court	B.C. Supreme Court
Citation	2006 BCSC 838
Result	Judicial Review Dismissed
Judge	Mr. Justice Melvin
Date of Judgment	May 31, 2006
WCAT Decision(s) Reviewed	WCAT-2004-01757, WCAT-2004-0005

Keywords

Causation - Sufficiency of evidence - Standard of review – Patent unreasonableness

In this judicial review the Court considered a decision by the Workers' Compensation Appeal Tribunal (WCAT) which determined whether the Petitioner's back-injury was work related.

The Petitioner experienced a number of back injuries between 1979 and 1998. WCAT found that the worker's ongoing chronic back problems did not result from prior compensable injuries or a 1993 non-disabling low back strain. WCAT further found that it was unlikely that the worker suffered a significant work related injury on May 28, 1997.

The Court dismissed the Petitioner's application for judicial review, finding that the standard of review was patent unreasonableness. The Court concluded that the WCAT panel was canvassed all of the issues that arose as a result of the employment history of the Petitioner, the employment-identified injuries of the Petitioner, and other injuries which were alleged to be employment-related or an aggravation of the pre-existing employment-related injury. The Court noted that it is not the function of a court on judicial review to revisit the evidence and the submissions and the conclusion of the tribunal when it is based upon a consideration of a considerable body of evidence that was before it.