

Goulding v. Workers' Compensation Appeal Tribunal

Decision Summary

Court	B.C. Court of Appeal
Citation	2015 BCCA 223
Result	Appeal Dismissed
Judge	Mr. Justice Frankel Mr. Justice Tysoe Mr. Justice Willcock
Date of Judgment	May 11, 2015
WCAT Decision(s) Reviewed	WCAT-2010-00007 WCAT-2011-00351

Keywords

Appeal – Judicial review – Standard of review – Patently unreasonable – New evidence

Summary:

The Worker's Compensation Appeal Tribunal (WCAT) had confirmed the findings of the Workers' Compensation Board that the worker's permanent functional impairment award had been correctly assessed and that the worker was not entitled to a loss of earnings assessment under section 23(3) of the *Workers Compensation Act*. The worker's petition for judicial review of the WCAT decision was dismissed. The Court of Appeal dismissed the worker's subsequent appeal. The Court considered that there was evidence to support WCAT's findings and the decision was not patently unreasonable. The Court of Appeal also dismissed the worker's motion to introduce new evidence, noting that judicial review is concerned with the record that was before the tribunal.