

## REDAE V. WORKERS' COMPENSATION APPEAL TRIBUNAL

### Decision Summary

Court	B.C. Supreme Court
Citation	2008 BCSC 956
Result	Petition dismissed
Judge	Mr. Justice Warren
Date of Judgment	July 18, 2008
WCAT Decision(s) Reviewed	October 18, 2007 WCAT decision

#### **Keywords:**

*Summary dismissal – Discretionary decision – Section 31(1)(f) of the Workers' Compensation Act – No reasonable prospect of success – Standard of review*

This was a petition for judicial review of a decision by the Workers' Compensation Appeal Tribunal (WCAT) which summarily dismissed the Petitioner's appeal of a decision of the Review Division of the Workers' Compensation Board (Board) under section 31(1)(f) of the *Workers Compensation Act*.

The Petitioner injured the right side of her body as a result of a fall at work in 1993, and received wage loss benefits for a period of time and then returned to work. In two separate Appeal Division decisions the Appeal Division of the Workers' Compensation Board found that she had recovered from her injuries when she returned to work and that ongoing symptoms were not related to the 1993 accident. The Workers' Compensation Board denied a reopening request in 2005 after determining that the worker's current complaints were the same as her earlier complaints, which had been found to be non-compensable. On appeal, WCAT summarily dismissed the Petitioner's claim under section 31(1)(f) of the *Administrative Tribunals Act (ATA)* as having no reasonable prospect for success as the Appeal Division decisions were binding on WCAT and they had already concluded that the Petitioner had recovered from her compensable injuries.

The Court dismissed the petition. The Court determined that the standard of patent unreasonableness under section 58(3) of the ATA applied to the WCAT decision. It found that the decision was not patently unreasonable as WCAT exercised its discretion appropriately and there was not even any suggestion that it acted in bad faith or for an improper purpose. The Court stated that the decision was based on relevant factors and statutory requirements were taken into account.