

# Steinbacher v. Ocean Blue Cedar Products Ltd. and Workers' Compensation Appeal Tribunal

## Decision Summary

Court	B.C. Supreme Court
Citation	Oral Reasons (August 10, 2011) Victoria 11-0410
Result	Judicial Review Dismissed
Judge	Mr. Justice Crawford
Date of Judgment	August 10, 2011
WCAT Decision(s) Reviewed	WCAT-2010-03181

### **Keywords**

*Judicial review – Compensable consequence – Item #22.00 of the Rehabilitation Services Claims Manual, Volume II*

### **Summary:**

The petitioner claimed that an injury to her right knee was a compensable consequence of an earlier injury to her left knee, for which she had received workers' compensation benefits. The petitioner argued that the Workers' Compensation Appeal Tribunal (WCAT) made a patently unreasonable finding of fact by ignoring, or failing to give sufficient weight to, a medical opinion.

The petitioner had a compensable injury to her left knee. Almost seven years later, while doing renovations to her home, the petitioner injured her right knee when she fell carrying a piece of plywood down stairs. At the time, she told her doctors that she slipped or tripped. Two years later, one of her doctors opined that the petitioner's left knee "buckled, letting her down" thereby causing the injury to her right knee. At the WCAT hearing, the petitioner confirmed that she had told her doctors that she had slipped. She could not "say 100%" her right knee injury was caused by the disability with her left knee. At no time did she say that her left knee buckled.

The petitioner took the position that the *only* evidence of the cause of the subsequent injury was her doctor's opinion. She argued that WCAT was wrong to accept her own report of the accident as hers was a layperson's opinion.

Mr. Justice Crawford held that it was not patently unreasonable for WCAT to give no weight to a doctor's opinion (two years after the fact) where there was no other evidence in support of the facts on which the opinion was based.