

WYANT V. BRITISH COLUMBIA (WORKERS' COMPENSATION BOARD) ET AL.

Decision Summary

Court	B.C. Supreme Court
Citation	2006 BCSC 680
Result	Judicial Review Dismissed
Judge	Mr. Justice Rogers
Date of Oral Judgment	April 27, 2006
WCAT Decision(s) Reviewed	WCAT-2005-01861

Keywords:

Independent evidence of work history - Average earnings - Calculation of permanent disability award – Sufficiency of reasons – Oral hearing – Standard of review – Patent unreasonableness

The Court considered whether a Workers' Compensation Appeal Tribunal (WCAT) decision which refused Mr. Wyant's appeal because there was no evidence independent of his assertions concerning his pre-injury work history was patently unreasonable.

The Petitioner applied to the Workers' Compensation Board, operating as WorkSafeBC (Board), for benefits due to partial loss of vision resulting from a detached retina following an industrial accident. The Board awarded the Petitioner a permanent function impairment award based on the average monthly income of all loader operators and loggers in B.C. at the time of the accident. The Review Division agreed with the Board's use of the "loader-operator–logging" category, but directed the Board to use the class average in the loader operator category for the twelve-months prior to the date of the injury. WCAT confirmed the direction by the Review Division.

The Court dismissed the Petitioner's application for judicial review. The Court found that WCAT gave adequate reasons to support its conclusion by, in part, adopting the reasons from the Review Division. The Court concluded that WCAT acted fairly when it decided that the Petitioner's appeal could be determined without the necessity of oral testimony. The Court further found that WCAT's decision not to accept the Petitioner's version of his work history was not patently unreasonable.