

# **Workers' Compensation Appeal Tribunal**

## Reopening and Variance of Order

### **Regarding Decision No. #2 – Claim No. 92-1177**

Date of Reopening: February 20, 2001

Date of Decision: February 26, 2001

#### **Appeal Committee Members**

Presiding Officer:

Heather MacFadgen

Member representative of employers:

Jan Stick

Member representative of workers:

Joseph Radwanski

**Reopening and Variance of Order  
Regarding Decision No. #2 – Claim No. 92-1177**

On December 11, 2000, on the application of the worker, the appeal committee released its decision ordering as follows: "the tribunal orders that interest be paid to the worker on the compensation payable as a result of Decision No. 2."

It has recently come to our attention that, through inadvertence, the order did not expressly refer to section 19.4 of the *Worker's Compensation Act* (the "Act") which is the source of the tribunal's authority to order interest be paid. There is no other authority given to the tribunal to award interest in the *Act*. Therefore, we are of the view that we should exercise our discretion under section 18.4 (6) of the *Act* to reopen our December 11, 2000 decision and we do so: we vary the order by the addition of the underlined words as follows:

"the tribunal orders that interest be paid to the worker on the compensation payable as a result of Decision No. 2, in accordance with section 19.4 of the *Worker's Compensation Act*."

**Dated this 26<sup>th</sup> day of February, 2001 in the City of Whitehorse, in the Yukon Territory.**

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Jan Stick, Member

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Heather MacFadgen, Presiding Officer

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Joseph P. Radwanski, Member