

No Medical Evidence that Worker's New Back Injury Is Continuation of Old One



In 1995, a heavy equipment operator suffered a soft tissue injury to his neck and lower back but was able to return to work after a couple of months. In 2017, the operator who was now with a different company, went to the ER after a shift complaining of lower back pain. The diagnosis: Chronic back pain with no recent trauma. The operator contended the new injury was a recurrence of the old one but workers' comp denied his claim. The Appeals Tribunal upheld the denial. As even the operator admitted, the latest injury wasn't caused by a work accident or repetitive movements over time. And even if the injury was work-related, there was no medical evidence showing that the new injury was a continuation of or otherwise connected to the 1995 injury [20188745 (Re), 2019 CanLII 11567 (NB WCAT), Feb. 19, 2019].