

Partial Disability Claim for Asthma Revoked



A retired welder and millwright filed a workers' comp claim, which was denied by the Board. The Appeal Division ruled that his asthma was work-related and sent the claim back to the Board. The Board then granted him a partial disability award. But on appeal, the Tribunal revoked the award on the grounds that his asthma was reversible through the use of medication. The claim was appealed to a judge, who ruled that the Tribunal's decision was 'patently unreasonable' and not based on binding findings of fact from the Appeal Division. But the court of appeal ruled that the judge had incorrectly concluded that the finding that the worker had non-reversible asthma was the only reasonable interpretation of the facts [*Vandale v. BC (Workers' Compensation Appeal Tribunal)*, [2013] BCCA 391, Sept. 9, 2013].