WORKERS COMPENSATION COMMISSION

STATEMENT OF REASONS FOR DECISION

BACKGROUND TO THE APPLICATION

1. On 21 February 2006 Dennis Graham Green ('the Applicant') lodged an 'Application to Resolve a Dispute' ('the Application') in the Workers Compensation Commission ('the Commission'). The Applicant's employers at the relevant times were (as amended at hearing) CSR Limited and Rinker Group Limited (the 'First Respondent' and the 'Second Respondent' respectively). The Respondent's workers compensation insurers on risk at the relevant times were Rinker Group Limited as Agent for CSR Limited (Self-Insurer) and Rinker Group Limited as Self-Insurer.

2. The basis of the Applicant's claim is that he suffered an injury for which non-economic loss compensation is payable, that arose out of and in the course of his employment with the Respondents. The Applicant claims an entitlement under the workers compensation legislation (the *Workers Compensation Act* 1987 ('the 1987 Act') and the *Workplace Injury Management and Workers Compensation Act* 1998 ('the 1998 Act')).

3. The Applicant claims to have suffered an injury, for which non-economic loss compensation is payable, to his neck, back and both legs. As amended at hearing the Applicant claims to have suffered injury from 1989 to March 2005 as a result of the nature and conditions of his employment and as a result of specific injuries on 16 April 1992 (neck), either 16 December 1995 or 15 November 1995 (neck), 2 January 1996 (neck), 29 January 1996 (neck), 10 August 2002 (lower back), 19 February 2004 (neck) and 23 September 2004 (neck). In the alternative the Applicant claims injury in the nature of a disease due to the nature and conditions of employment from 1989 until March 2005. The Applicant therefore claims injury both before and after 1 January 2001.

4. The Applicant notified the Respondent of the injury on various occasions and made this claim for lump sum compensation on 21 April 2005.

5. A claim for weekly benefits compensation was discontinued at the teleconference on 2 May 2006 and that discontinuance was confirmed at hearing.

6. At the conciliation conference the parties agreed that the Applicant suffered an injury to his back, with consequential problems in his legs, and that the injury is properly characterised as an aggravation of a disease for the purposes of section 4(b)(ii) of the 1987 Act, with an agreed date of injury pursuant to section 16(1)(a)(ii) of 21 April 2005, being the date of the claim for lump sum compensation. However the Respondent disputes the nature of the injury to the Applicant's neck.

ISSUES IN DISPUTE

7. Under s 65(3) of the 1987 Act, I may not award permanent impairment compensation or pain and suffering compensation unless the degree of permanent impairment has been assessed by an approved medical specialist ('AMS').

8. This matter is yet to be referred to an AMS. The parties agree that I must determine the issue of fact regarding the nature of the injury to the Applicant's neck. The questions to be addressed are as follows:
   - Are there any injuries to the neck which are frank injuries within the meaning of section 4(a) of the 1987 Act?
   - If the Applicant suffered a series of frank injuries to his neck, do they amount to one impairment or loss and can they be properly assessed as one impairment resulting from the injuries up to 31 December 2001 (under Table of Disabilities) and one impairment resulting from the injuries after 1 January 2002 (WPI)?
   - If the Applicant suffered no frank injuries, then is it correct that any injury to the neck is by way an aggravation to a disease within the meaning of section 4(b)(ii) of the 1987 Act so that the relevant date of injury would be 21 April 2005 (as for the back) pursuant to section 16(1)(a)(ii) of the 1987 Act?
   - Are there some injuries to the neck which can be characterised as frank injuries together with other injuries to the neck in the form of aggravation of a disease?

WORKERS COMPENSATION ACT 1987

9. Sections 4 and 16 of the 1987 Act are of particular relevance to this Application.

EVIDENCE

10. The parties attended a teleconference on 2 May 2006 and a conciliation conference and arbitration hearing on 18 May 2006. The Applicant was represented by Mr John Harris of Counsel, instructed by North and Badgery Solicitors. The Respondent was represented by Mr Brett Williams of Vardanega Roberts Solicitors. At this conference and hearing the parties, with the assistance of the Commission, engaged in an informal mediation process designed to facilitate an agreed settlement of their dispute. The parties were advised at the outset of the hearing that the matter would proceed to determination if they could not reach agreement. I have used my best endeavours in attempting to bring the parties to the dispute to a settlement acceptable to all of them. I am satisfied that the parties have had sufficient opportunity to explore settlement and that they have been unable to reach an agreed settlement of the dispute.

11. No oral evidence is before me in this matter.

Documentary and Medical Evidence

12. The proceedings were sound recorded and a copy of the recording is available to the parties. The documents admitted into evidence before the Commission and taken into account in making this determination are set out in the recording. In summary those documents in evidence include:

    For the Applicant:

    - Application to Resolve a Dispute filed 21 February 2006 and all documents attached to that Application.
    - Application to Admit Late Documents filed 8 May 2006 attaching signed Statement of Applicant dated 5 May 2006.

- CT Scan of the lumbo-sacral spine dated 16 August 2002 of Western Plains Medical Centre, Dubbo.
- Extract from Register of Injuries dated 16 April 1992.

For the Respondent:

- The Reply filed on 8 May 2006, but excluding by agreement the two (2) reports of Dr Anthony Smith dated 22 April 2005 and 2 May 2005 on the basis of Regulation 43A.

SUBMISSIONS

13. Oral submissions were made on behalf of both parties. As indicated above, those oral submissions have been recorded and do not need to be repeated.

FINDINGS AND REASONS

14. I find that I have jurisdiction to determine this Application and there were no submissions to the contrary.

15. The parties agree that the Applicant suffered an injury to his back, with consequential problems in his legs, and that the injury is properly characterised as an aggravation of a disease for the purposes of section 4(b)(ii) of the 1987 Act. The parties agree on a deemed date of injury pursuant to section 16(1)(a)(ii) of the 1987 Act of 21 April 2005, being the date of the claim for lump sum compensation. It was further agreed that the degree of permanent impairment resulting from the injury to the Applicant's back (lumbar spine) is to be referred for assessment to an AMS. The documents to be referred to the AMS are those admitted into these proceedings.

16. The Respondent submits that the medical evidence does not suggest any frank injury to the neck because there is no change in pathology, although at times the Applicant might have experienced more severe pain that at other times. The Respondent submits that, on the whole of the medical evidence, the injury to the Applicant's neck can only be properly characterised as an aggravation of a disease pursuant to section 4(b)(ii) of the 1987 Act. If that is correct then the parties accept that the deemed date of injury would be the same as that for the back, being 21 April 2005.

17. The Respondent argues that the decision in *Rail Services Australia v Dimovski & Anor* [2004] NSWCA 267 does not assist the Applicant because in the present case there is no identifiable change in pathology in the neck to suggest a frank injury. The Respondent also submitted that the Court of Appeal in *Dimovski* approved of the decision in *Australian Conveyor Engineering Pty Limited v Mecha Engineering Pty Limited* (1998) 45 NSWLR 606.

18. The Applicant claims that he suffered a series of frank injuries to the neck. Incidents are claimed on 16 April 1992, 16 December 1995 or 15 November 1995, 2 January 1996, 29 January 1996, 19 February 2004 and 23 September 2004. The Applicant submits that on a proper application of the law the frank injuries that occurred up to 31 December 2001 can be aggregated for the purposes of the referral to an AMS because they resulted in one impairment or loss (to be assessed under the Table of Disabilities), and that the injuries that

occurred on or after 1 January 2002 can also be aggregated because they resulted in one impairment or loss (to be assessed under WPI). In the alternative the Applicant claims injury in the form of aggravation of a disease due to the nature and conditions of employment, or a combination of both frank injuries and aggravation of the disease.

19. In his reports of October 2004 and February 2005 Dr Hope concludes that the 'investigations show the advanced degenerative disease (of the neck) which is the consistent diagnosis'. Dr Hope describes the Applicant as having significant cervical spondylosis (degenerative joint disease) when he began work with the Respondent, as indicated by the 1995 X-ray and CT Scan. He adds that the neck was symptom free prior to the work-related incident in 1992 ands he accepts that 'the work-related injuries accelerated age-related degenerative joint disease in the neck', attributing 40% of the current neck condition to those aggravations. Dr Hope also takes a history of six work-related incidents, noting that after the first two incidents the Applicant required time off work and that the treating doctor diagnosed a C6/7 injury following the incident in December 1995. Dr Hope describes that injury as being aggravated by the two further injuries in 1996. He then refers to specific 'jarring' of the neck in the incidents of February 2004 and September 2004.

20. Dr Hammond, Consultant Neurologist, concludes that there is both clinical and neuroimaging evidence of significant cervical spinal degenerative disease. In November 2005 he suggests further investigation by way of an EMG and nerve conduction study of the right upper limb, and I note that no such further investigations are before me. However I accept the Applicant's submissions that considered as a whole Dr Hammond's comments suggest that the Applicant may have suffered frank injuries and some change in pathology of the neck, especially at C6/7, apart from the on-going degenerative condition in the neck. Dr Hammond confirms that the Applicant first experienced neck pain as a result of the incident in 1992 and notes that after the incident in 1995 he was diagnosed as having injured the C6/7 disc. He describes the two subsequent injuries as aggravations of the C6/7 injury. Like Dr Hope he refers to the two incidents in 2004 as 'jarring' of the neck.

21. Dr Millons assessed the Applicant for the Respondent and also accepts that he has some work-related impairment of the neck. In his report of 29 August 2005 Dr Millons concludes that the Applicant has degenerate changes in the cervical spine demonstrated radiologically since 1995. He is of the opinion that while the underlying changes are almost certainly constitutionally based there have been several aggravations of those attritional changes. He identifies four episodes from 1992 to 1996, with the final two aggravations in 2004. Dr Millons addresses directly the issue of frank injury/disease and concludes that the 'neck condition can be considered to be a disease of gradual onset, not occasioned by his work but aggravated by it along the way'. He suggests that about one-third of any impairment would have been caused by the nature and conditions of his work. However Dr Millons does not address the mechanisms of the specific incidents and for that reason his report does not greatly assist in determining whether some of them could also be characterised, in a legal sense, as frank injuries. Nonetheless his opinion is clear that from a medical point of view the Applicant has suffered aggravation of a pre-existing degenerative condition.

22. In his report of 12 April 2005 Dr John Morgan, Adjunct Associate professor at the University of Sydney and Rehabilitation Consultant, takes a history of six incidents from 16 August 1992 until 23 September 2004 in which the Applicant injured or aggravated an injury to his neck. In regard to the incident on 16 August 1992 (amended by the Applicant to be 16 April 1992) he records that the Applicant noticed his neck was sore after scraping

wet concrete down a chute into a wheelbarrow about 80 times. Of the incident on 16 December 1995 he comments that the Applicant's neck and back became sore after he had been repeatedly climbing in and out of a dump truck at a quarry (at least 6 times each load for up to 40 loads a day). He describes an incident on 2 January 1996 when the Applicant hurt his neck climbing into a truck, an incident on 29 January 1996 when he aggravated his neck injury, a jarring to the neck on 19 February 2004 when the Applicant was climbing into the cabin of a truck, and an incident on 23 September 2004 when he hit his head on the top of the cabin and jarred his neck again. As noted by the Respondent Dr Morgan concludes that the Applicant has degenerative changes in the cervical spine which were aggravated by the various incidents at work.

23. The Respondent argues further that there is no radiological evidence to support a conclusion of a change in pathology as a result of any of the incidents at work. The Applicant relies in this regard on the opinions and diagnoses of the treating doctors around the time of the injuries and incidents.

24. In a WorkCover certificate dated 28 November 1995 Dr Vijay Pandya, General Practitioner, refers to an injury on 15 November 1995 caused by climbing in and out of the dump truck. He provides a diagnosis of C6 nerve root compression and trapezius muscle injury on the left side. In a certificate dated 6 December 1995 referring to the same incident Dr Pandya notes a disc injury to the neck and diagnoses a C6-C7 disc prolapse on the left side. In certificates dated 2 January 1996 and 29 January 1996 Dr Pandya again diagnoses C6-C7 disc prolapse as a result of the injury on 15 November 1995. In a WorkCover certificate dated 23 February 2004 Dr Zhou, General Practitioner, refers to an injury on 19 February 2004 when the Applicant pulled his neck at work, and diagnoses neck muscular strain. In WorkCover certificates of 9 December 2004 and 4 February 2005 Dr Zhou describes the injury on 23 September 2004 as a head injury, with a diagnosis of 'neck pathology'.

25. An X-ray and CT Scan of the cervical spine from December 1995 as well as a later X-ray and CT Scan of October 2004 were provided to the doctors who assessed the Applicant and were accepted as evidencing cervical disc degeneration.

26. In the extract from the Register of Injuries dated 16 April 1992 there is a report of an injury to the neck suffered by the Applicant on that date. Other documents before me concern the injury to the Applicant's back.

27. It is clear from the medical evidence as a whole that the Applicant suffers from degenerative disease of the neck. The issue I must determine is whether any of the incidents at work give rise to an injury ***simpliciter*** within the meaning of section 4(a) of the 1987 Act or whether such injuries can only be characterised as aggravations of the underlying disease within the meaning of section 4(b)(ii) of the 1987 Act.

28. Having considered the submissions of both parties and all the evidence I am satisfied that the weight of the evidence supports a conclusion that the injuries sustained by the Applicant are injuries within the meaning of section 4(a) of the 1987 Act.

29. In reaching this conclusion I have applied the reasoning of the Court of Appeal in ***Rail Services Australia v Dimovski & Anor*** [2004] NSWCA 267 and Neilsen CCJ in ***Lyons v Master Builders Association of Mew South Wales Pty Ltd*** (2003) 25 NSWCCR 422. In ***Dimovski*** the Court of Appeal held on the facts that an injury suffered by the worker in 1998 was a frank injury and not an aggravation of a disease injury with section 16. In this

regard the Court declined to follow *Colliar v Bulley* (2000) 19 NSWCCR 302 and instead adopted the reasoning in *Lyons*. The Court of Appeal held that if an injury can be characterised as a frank injury, then it does not fall within section 16(1)(b). Hodgson JJA comments at 68 as follows:

> 'If there is an event that satisfies paragraph (a) of the definition of injury, and if that is the injury relied on and proved, the circumstance that it aggravated the disease and thus could have supported a case under paragraph (b)(ii) does not mean that this injury "consists in" the aggravation of a disease.'

30. In *Lyons* Neilsen CCJ expressed the opinion that the majority in *Colliar v Bulley* failed to distinguish between the injurious event and the pathology resulting from the event. In *Lyons* it was accepted that the pathology was received in a frank incident and was not by way of the disease process

31. In *Dimovski* the Court was similarly satisfied that the findings of the Judge in the Compensation Court established that the worker suffered a frank injury to his left knee in May 1998 which caused the pathology found by Dr Habib and subsequently confirmed in the MRI.

32. In the present case I accept that there is no radiological evidence to suggest a change in pathology following the first incident on 16 April 1992. While such evidence would assist in determining the issue, the absence of such evidence is not in my view fatal to the Applicant's claim of a frank injury. There is other evidence that suggests some change in pathology as a result of that incident. The Applicant reported an incident and injury to his neck on that date. It is clear from the medical evidence as a whole that he had pain and symptoms in his neck from that date onwards. The circumstances of that incident are described by the Applicant in his statement of 5 May 2006 and by Dr Morgan. He had done a particular task scraping wet concrete down a chute about 80 times, which led to pain and symptoms in his neck. He was given time off work. In my view that incident can be described as an aggravation of the underlying disease, but it can equally be described as a frank injury to the cervical spine. On the basis of *Dimovski* I find that this event is sufficient to satisfy paragraph (a) of the definition of injury, and that fact that the same event could support a case under paragraph (b)(ii) does not mean that this injury "consists in" the aggravation of a disease.

33. In regard to the date of the injury in 1995 I accept the Applicant's submissions that the inconsistencies as to the correct date are not material, as it is clear on all the evidence that an incident occurred either on 15 November 1995 (as indicated in the contemporaneous medical documents) or on 16 December 1995 (as indicated in the Applicant's statement and the more recent medical reports). The Respondent did not dispute that an incident occurred on one of those dates, and I therefore find that the incident described by the Applicant at paragraph 6 of his statement occurred on either 15 November 1995 or 16 December 1995.

34. I am also satisfied that this incident in November or December 1995 is a frank injury within the meaning of section 4(a). The circumstances of the incident are described by the Applicant, and by Dr Morgan and other doctors. It involved the Applicant's climbing in and out of a dump truck all day. In all he did this about 240 times. While the more recent medical reports suggest this event was simply an 'aggravation' of the underlying degenerative condition in the neck, these are medical opinions rather than a legal conclusion regarding the nature of the injury. I am of the view that the contemporaneous medical certificates of the treating doctors are of more weight in determining the nature of

the injury then suffered by the Applicant. In a certificate issued a few weeks after the incident (indicating a date of 15 November 1995) Dr Pandya diagnosed a C6 nerve root compression and trapezius muscle injury on the left side and on 6 December 1995 diagnosed a C6-C7 disc prolapse on the left side. In my view this opinion suggests that there was in fact a change in pathology from that time. Dr Hope notes that diagnosis without further comment and there is no medical evidence from the Respondent directly rejecting Dr Pandya's opinion. Dr Pandya's conclusion would in my view account for the significant symptoms that the Applicant experienced around that time and subsequently. The Applicant had to take one month off work.

35. In subsequent certificates dated 2 January 1996 and 29 January 1996 Dr Pandya again diagnosed C6-C7 disc prolapse as a result of the injury on 15 November 1995. In my view it is reasonable on the evidence before me to characterise these injuries as aggravations of the frank injury of either 15 November 1995 or 16 December 1995, and the fact that they might also be aggravations of the disease does not alter that conclusion.

36. There is then a significant period of time when the Applicant does not claim any further incidents. In his statement he claims that on 19 February 2004 he slipped while climbing into the cabin of the truck and jarred his neck. He describes the pain as similar to his earlier pain and in his medical certificate of 23 February 2004 Dr Zhou diagnoses neck muscle strain. The Applicant states the pain is on-going. I have two certificates before me dated 9 December 2004 and 4 February 2005 regarding the further incident on 23 September 2004. Dr Zhou describes the injury on that date as a head injury, with a diagnosis of 'neck pathology'. I consider this description to be consistent with the circumstances of that injury as described by the Applicant in his statement and as recorded by Dr Morgan. The Applicant hit his head on the cabin of the truck while wearing a hard hat and jarred his neck. Both these incidents are generally described in the recent medical reports as 'jarring' to the neck. In my view it is reasonable to characterise these two separate injuries as injuries ***simpliciter*** under section 4(a) and applying ***Dimovski*** the fact that the same events could support a case under paragraph (b)(ii) does not mean that these injuries "consists in" the aggravation of a disease. In my view these incidents are not just instances in which the Applicant has experienced symptoms in his neck more severely as suggested by the Respondent but are injuries within the meaning of section 4(a).

37. I have considered the Applicant's submissions that as a matter of law the frank injuries that occurred prior to 1 January 2002 can be aggregated because they result in the one impairment or loss, and that given the statutory changes on that date the injuries that occurred after 1 January 2002 should be similarly aggregated because they also result in one impairment. He relies in this regard on the decision of Armitage J in ***Pickles v Staples Waste Removals Pty Ltd & Another*** 20 NSWCCR 729 and argues that the fact of two employers has no effect on the right to aggregate. In this regard I have also considered the decision in ***Dimovski*** and the decision of Nielsen CCJ in ***Sidiropoulos v Able Placements Pty Limited*** (1998) 16 NSWCCR 123. In ***Dimovski*** the Court of Appeal notes that section 67 of the 1987 Act enables two or more awards for losses to be aggregated, but only if they are "losses as a result of the same injury". The Court of Appeal observes that the in section 67(1) the words 'same injury' do not refer to the pathology in the worker's body but to the 'injurious event'. The Court approves the decision of Neilsen CCJ in ***Sidiropoulos*** and concludes that 'the cumulative effect of all injuries to the left leg which caused one loss of its efficient use at or above the knee are treated as a result of the last causative injury'. In ***Sidiropoulos*** the worker injured both his back and left leg in two separate 'injurious events'. Neilsen CCJ concluded that those two injuries had a cumulative effect and that this 'cumulative effect' had caused one impairment of the back and one loss of the left leg.

He awarded section 67 compensation for pain and suffering resulting from that permanent impairment and from that loss of efficient use of the left leg. In *Pickles* Armitage J agreed with the decision in *Sidiropoulos* and concluded as a matter of law that a single loss may result from two or more separate injuries with the same pathology which have jointly contributed to that loss.

38. Applying these principles to the present case I am satisfied, as submitted by the Applicant, that all the injuries to the neck have resulted in one loss or impairment. In essence they have the same pathology and it is the cumulative effect of these injuries that is properly referred to an AMS. In the present case, the statutory changes on 1 January 2002 make it necessary for that one loss or impairment to be assessed under the two methods of assessment. In relation to the first period and the assessment under the Table of Disabilities I find that the date for the assessment of the cumulative effect of all injuries to the neck should be the date of the last causative injury, being 29 January 1996. In regard to the assessment under WPI for the second period I find that the date for the assessment of the cumulative effect of all injuries to the neck should be the date of that last causative injury, being 23 September 2004.

39. In light of these findings and the limitations on my powers noted at paragraph 7 above, I refer the degree of permanent impairment of the Applicant's neck for assessment by an AMS in accordance with the Table of Disabilities with a causative date of injury of 29 January 1996. I refer the degree of permanent impairment of the Applicant's cervical spine for assessment by an AMS in accordance with the WorkCover Guides for the Evaluation WorkCover Guides for the Evaluation of Permanent Impairment with a causative date of injury of 23 September 2004.

40. By agreement between the parties I refer the degree of permanent impairment of the Applicant's lumbar spine for assessment by an AMS in accordance with the WorkCover Guides for the Evaluation of Permanent Impairment with an agreed deemed date of injury pursuant to section 16(1)(a)(ii) of 21 April 2005, being the date of the claim for lump sum compensation.

DECISION

41. For the reasons set out in this statement the decision in this matter is:

    1. On 16 April 1992, 16 December 1995 or 15 November 1995, 2 January 1996, 29 January 1996, 19 February 2004 and 23 September 2004 the Applicant suffered work-related injuries within the meaning of section 4(a) of the 1987 Act.

    2. I refer the degree of permanent impairment of the Applicant's neck for assessment by an AMS in accordance with the Table of Disabilities with a causative date of injury of 29 January 1996. I refer the degree of permanent impairment of the Applicant's cervical spine for assessment by an AMS in accordance with the WorkCover Guides for the Evaluation of Permanent Impairment with a causative date of injury of 23 September 2004.

    3. By agreement between the parties, I refer the degree of permanent impairment of the Applicant's lumbar spine for assessment by an AMS in accordance with the WorkCover Guides for the Evaluation of Permanent Impairment with a deemed

date of injury pursuant to section 16(1)(a)(ii) of 21 April 2005, being the date of the claim for lump sum compensation.

4. The Respondent is to pay the Applicant's costs as agreed or assessed.

Annemarie Nicholl
Arbitrator

I CERTIFY THAT THIS IS A TRUE AND ACCURATE RECORD OF THE REASONS FOR DECISION OF ANNEMARIE NICHOLL, ARBITRATOR, WORKERS COMPENSATION COMMISSION.

REGISTRAR

WORKERS COMPENSATION COMMISSION

CERTIFICATE OF DETERMINATION

This Certificate is issued pursuant to s 294 of the *Workplace Injury Management and Workers Compensation Act* 1998.

Matter No: **WCC2483-06**
Applicant: **Dennis Graham Green**
First Respondent: **CSR Limited**
Second Respondent: **Rinker Group Limited**
Date of Determination: **7 June 2006**

The determination of the Commission in this matter is as follows:

1. On 16 April 1992, 16 December 1995 or 15 November 1995, 2 January 1996, 29 January 1996, 19 February 2004 and 23 September 2004 the Applicant suffered work-related injuries within the meaning of section 4(a) of the 1987 Act.

2. I refer the degree of permanent impairment of the Applicant's neck for assessment by an AMS in accordance with the Table of Disabilities with a causative date of injury of 29 January 1996. I refer the degree of permanent impairment of the Applicant's cervical spine for assessment by an AMS in accordance with the WorkCover Guides for the Evaluation WorkCover Guides for the Evaluation of Permanent Impairment with a causative date of injury of 23 September 2004.

3. By agreement between the parties, I refer the degree of permanent impairment of the Applicant's lumbar spine for assessment by an AMS in accordance with the WorkCover Guides for the Evaluation of Permanent Impairment with a deemed date of injury pursuant to section 16(1)(a)(ii) of 21 April 2005, being the date of the claim for lump sum compensation.

4. The Respondent is to pay the Applicant's costs as agreed or assessed.

A brief statement of reasons for determination, in accordance with Rule 73 of the *Workers Compensation Commission Rules* 2003, is attached.

Annemarie Nicholl
Arbitrator

I CERTIFY THAT THIS IS A TRUE AND ACCURATE CERTIFICATE OF DETERMINATION ISSUED BY ANNEMARIE NICHOLL, ARBITRATOR, WORKERS COMPENSATION COMMISSION.

REGISTRAR

Jody Fletcher
Dispute Assessment Officer
By Delegation of the Registrar