

**Steven Brink Homes**  
Appellant

**Accident Compensation  
Corporation**  
Respondent

**Before:** D J Plunkett

**Counsel for the Appellant:** A Beck

**Counsel for the Respondent:** A Barnett

**Date of Decision:**

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**DECISION**

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**INTRODUCTION**

[1] This is an appeal by Steven Brink Homes against the decision of a review officer of 7 February 1997 concerning the appropriate percentage of permanent incapacity and date of assessment of incapacity.

[2] There is a lengthy procedural history to this appeal which need not be set out. Suffice to record that the appeal was set down for a second hearing on 16 March 2015. Prior to the hearing, the parties settled the relevant claim on the basis that the review decision would be quashed, with the Corporation to undertake a full review of the amount properly payable to Mr Homes pursuant to section 114 of the Accident Compensation Act 1972 or section 60 of the Accident Compensation Act 1982 (whichever was appropriate) reflecting his permanent incapacity. It was also agreed that the Corporation would pay Mr Homes the reasonable costs of the appeal. On this basis, the hearing was vacated.

**OUTCOME**

[3] By consent, I order:

1. The review decision of 7 February 1997 and therefore the Corporation's decisions of 3 May 1993 and 9 January 1994 are quashed.
2. The Corporation will undertake a full review of the amount payable to Mr Homes to reflect his permanent incapacity.
3. The Corporation to pay Mr Homes the reasonable costs of the appeal.
4. Leave is reserved to return to the Authority to determine the quantum of costs, if agreement cannot be reached.

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D J Plunkett