

IN THE MATTER OF:

WORKERS COMPENSATION ACT
(R.S.P.E.I. 1988, Cap. W-7.1)

ELECTION TO CLAIM

(Right against third party)

WHEREAS I, _____ received
(Name of Worker)
personal injury by accident on _____,
(Date)
while in the employ of _____
(Name of Employer)

under such circumstances as might entitle me to an action against a Third Party.

PLEASE INDICATE YOUR CHOICE WITH AN 'X':

_____ I do hereby elect to claim compensation benefits under Part I of the *Workers Compensation Act* (the "Act") for this accident. I understand this election subrogates and transfers any right of action or claim I may have against the Third Party to the Workers Compensation Board of Prince Edward Island (the "Board"). I have not commenced any action, made any claim, or received any amount in settlement from the Third Party in respect of the accident.

_____ I do hereby elect to bring an action against the Third Party. I understand that I must retain my own lawyer and the lawyer's legal fees are my own responsibility. If I recover an amount from the Third Party which is less than the amount of compensation that would have been awarded to me under Part I of the Act, I understand that the Board may, at its discretion, approve compensation under subsection 11(2.1) in an amount not exceeding the difference between (a) the amount of compensation that would have been awarded under Part I of the Act and (b) an amount that is, in the opinion of the Board, a reasonable amount of settlement or recovery for the right of action. However, I understand that no amount of compensation will be approved by the Board unless the Board gave prior written approval to the settlement of the right of action.

AND I HEREBY give my notice of such election.

Date _____

Signed in the presence of

(Worker to sign here)

(Witness to sign here)

(If worker is under age 18, parent or guardian to sign here)

This Election cannot be accepted unless witnessed.