

REVIEW DIVISION

PRACTICES AND PROCEDURES SUMMARY OF PROPOSED UPDATES

Effective Date: **September 2006**

<i>Section</i>	<i>Title</i>	<i>Proposed Update</i>
A2.5	How a request for review is made	Change from 1 to 3 weeks the time when a person whose request for review has not been acknowledged should contact the Review Division. Also point out that the Review Division's response may take longer for late requests.
A3.5	Written submissions	Adding that the Review Division "will" (in stead of the present "may") disclose the final submission received from the applicant under the normal process to another party.
A3.6.2	New issues	Material moved to B3.6.2.
B2.1.1	Administrative decisions	<p>Adding a statement that a provisional wage rate decision issued under Policy #65.04 of the <i>Rehabilitation Services and Claims Manual</i> is not a reviewable decision.</p> <p>Delete the material on rights of review against procedural decisions relating to requests for Medical Review Panels as the Medical Review Panels no longer exist.</p>
B2.1.2	Reconsiderations	<p>Adding statements:</p> <ul style="list-style-type: none"> • Distinguishing reconsideration decisions that are reviewable from explanations of prior decisions that are not reviewable. • That a review may be allowed where there is a substantial question whether the Board had authority to reconsider but found it had no authority. • That declining to reconsider when the Board was aware that it had authority is not reviewable.
B2.1.8	Refusals to make decisions	Add a statement that, since section 96.2(1)(c) grants a specific right to request a review of a refusal to issue a prevention order, by necessary implication there is no right to request a review of a refusal to issue a decision regarding a compensation,

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		rehabilitation or assessment matter.
B2.2.1	Compensation reviews	Add a statement that the spouse and children of a worker do not have standing to request a review of a decision on the question whether compensation should be diverted under section 98(4) of the <i>Act</i> . However, if the worker requests a review of such a decision, the Review Division may allow the spouse and/or children to be a party to the review.
B2.3.1	Forms of authorization	Add “unless the party advises to the contrary” to the statement that an authorization that expires during the course of review will be recognized to the end of that review
B2.3.2	Standard conduct of representatives	Add a statement that, although the standards on the Board’s internet site indicate that they apply to “lay advocates”, the Review Division considers that they also apply to professional advocates.
B2.4.2.3	Discretion of Chief Review Officer	New heading stating that, even if the requirements for special circumstances and injustice are met, the Chief Review Officer has discretion whether or not to grant an extension of time. An important factor in exercising this discretion is the overall length of time since the decision sought to be reviewed and the applicant’s reasons for delay.
B2.4.2.4	Process for requesting extension	Add statement that requests for extensions of time should include the explanation for any additional delay beyond the initial 90 days following the decision sought to be reviewed.
B2.6	Parties to a review	Add statements that <ul style="list-style-type: none"> • A worker is not a party on a request for review by the employer where the decision under review is concerned only with relieving the employer from claim costs and the decision cannot affect the worker. • An employer is not a party where the only issue on a request for review by a worker is a commutation of his or her permanent disability award.
B3.9	Time limits on reaching	Add a statement that the 150 days for making a decision may commence when the Review Division receives a request if the request was previously

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	decisions	received by the Board and not immediately forwarded to the Review Division or initially declined but overturned by WCAT.
B3.9.1	Suspensions under section 96.4(5)	Add a statement that, where a suspension is requested to await a decision on a review for which an extension of the 90 day period to request a review has been submitted, the normal procedure will be to avoid the need for a suspension by expediting the decision on the extension of time to request a review.
B3.10	Role of Board officers in reviews	Clarify the role of Board officers at oral hearings.