



Understanding the Request for Review and Appeals System

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Principles and key features of WCB

- No-fault coverage
- Protection from lawsuit
- Benefit of doubt to worker
- Right of review and appeal
- Exclusive jurisdiction, legislatively based and guided
- Supporting Albertans in a safe and healthy recovery from workplace injuries and illnesses

[Principles of Alberta Workers' Compensation in Policy Manual](#)

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Learning objectives

- The review and appeals process and the levels of appeal.
- How to prepare for and participate in the appeal process.

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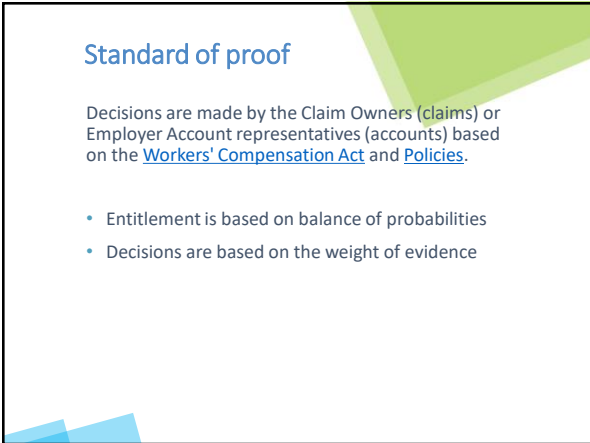
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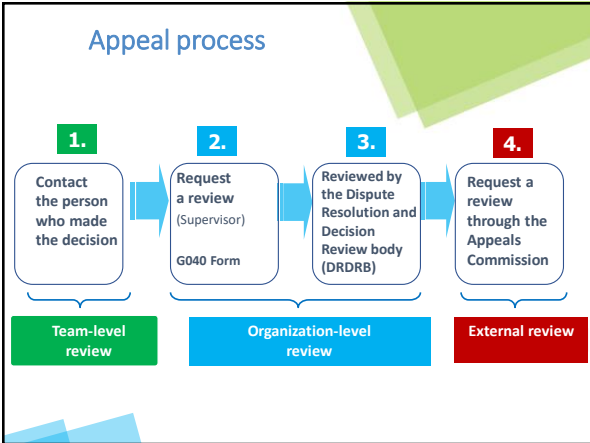
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To submit an RFR:  
 1. Online form, or  
 2. PDF G040 form

[Request for a decision review - WCB Alberta](#)     [REQUEST FOR REVIEW \(wcb.ab.ca\)](#)

3. Request a decision review

To start your request, complete the online form.

Claim number: \*  
 Claim number:

Account number: \*  
 Account number:

First name: \*  
 First name:

Last name: \*  
 Last name:

Role/Position: \*  
 Employee:

Address: \*  
 Street:

City:  Postal Code:

Province:

or

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### Dispute Resolution and Decision Review Body (DRDRB)

- Internal early resolution process
- Timely, informal and collaborative
- Supervisor review within two weeks
- Request for Review referred to DRDRB if the decision maker and supervisor cannot alter the decision or resolve the disagreement [www.wcb.ab.ca/resources/for-employers/forms-and-guides/](http://www.wcb.ab.ca/resources/for-employers/forms-and-guides/)
- Assigned to resolution specialist who confirms the preferred method to review the request; in-person, telephone conference or documentary

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### Appeals Commission (AC)

- Separate and independent from WCB
- Reports directly to the Minister of Jobs, Economy and Northern Development
- Quasi-judicial administrative tribunal made up of commissioners
- Represents the final level of appeal

Resources:

- [www.canlii.org/en/ab/abwccac/](http://www.canlii.org/en/ab/abwccac/)
- [Notice to Appeal form – Appeal Commission website](#)

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### Pre-Request for Review & Appeal Analysis




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### Pre-request for review and appeal analysis

1. Review written decision along with its rationale, relevant policies and legislation
2. Obtain clarification from the decision maker regarding rationale for decision
3. Attempt to resolve the issue
4. Determine whether to proceed to the next level, if not in agreement with the decision

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### What if information is missing?

New evidence can be submitted after the original decision is made, if it is:

1. Relevant to the issue
2. Gives new information not previously available

No time limit to submit new evidence

[Policy 01-08, Part I](#)

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### Pre-request financial analysis

Consider potential financial impact on your account by reviewing:

- Maximum Per Claim Cost (MPCC)
- Employer Experience Ratio:
  - an employer's three-year experience rated claim costs compared to industry average experience rated costs

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### Alternate remedies

- Transfer of claim costs ([Employer Fact Sheet - Transfer of Claim Costs](#))
- Third-party recovery ([Policy 07-02, Part II, App. 6](#))
- Cost relief
  - [Policy 05-02, Part II, App. 1 \(General\)](#)
  - [Policy 05-02, Part II, App. 3 \(Back injuries\)](#)
- Re-opening (continuation) vs. aggravation of a pre-existing injury ([Policy 04-03, Part I](#))

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### If you are considering an appeal ...

#### Employer Appeals Consulting (EAC) Service:

- Provided to employers to assist with the resolution process on claim decisions
- Helps with your understanding of policies, legislation and facts used to make decisions
- Allows you the ability to make an informed and confident decision on how you want to proceed
- Does not include preparation of written submissions or advocacy

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### Employer Appeals Consulting Service

You can access the service if:

- you have spoken with the decision maker and the supervisor to try to resolve the concern
- you do not have an employer representative
- you want to appeal a **claim** decision that was made within the last 12 months
- the decision was communicated in writing

[www.wcb.ab.ca/claims/review-and-appeals/for-employers/emp\\_appeal.asp](http://www.wcb.ab.ca/claims/review-and-appeals/for-employers/emp_appeal.asp)

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### Advisor's Office – Employer Advisor Branch

- Independent from WCB
- Knowledge and experience with WCB
- Any employer who requires assistance with a WCB claim or account related issue can use their services
- Can provide support and advice, education and representation during the request for review and appeals process

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### Advisor's Office – Employer Advisor Branch

Email: [advisoroffice@gov.ab.ca](mailto:advisoroffice@gov.ab.ca)

Phone: 1-866-427-0115

Website: [Advisor Office - Home \(alberta.ca\)](http://Advisor Office - Home (alberta.ca))

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Preparing for the Request for Review and Appeal




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### Access to Information

- Obtain a copy of the claim file by submitting the Employer Request for Claim File – [FORM C896](#) (keep in mind 12-month window)
- first copy charged at \$0.42/page (charged to industry not employer’s accident experience)
  - second copy invoiced to employer or their authorized representative at \$0.42/page

[C896 - Employer Request for Claim File](#)

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### Reviewing key documents from the claim file

- Organize the file in chronological order and review both the notes and documents to understand the rationale for the decision
- Focus on the three main types of file documents:
  1. Internal WCB (from claim owner)
  2. Medical
  3. Non-medical

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### Analyzing/reviewing the evidence

- Is there objective evidence of an aggravation of a pre-existing condition that resulted in a prolonged recovery?
  - Medical Consultant memo
- Are there non-compensable factors delaying recovery?
- Is there a suggestion of any other cause for disability?
- Are there any gaps in medical treatment?
- Did problems continue after work activity ceased (progressive injuries)?
- Are there conflicting medical opinions?

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### Summary

- Read the file
- Analyze/review the evidence
- Determine weight of evidence and whether to proceed
- Formulate the theory of your case
- Prepare your case

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### Presenting your Request for Review and Appeal




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### Request for review and appeal presentation

Suggested presentation format:

- State clearly the decision(s) you disagree with
- State reasons for disagreement with decision referencing specific sections of the *Workers' Compensation Act* and/or WCB policies
- Focus on hard evidence . Avoid:
  - speculation or personal opinion
  - labour-relations issues
  - performance issues
- State clearly the decision or outcome you're seeking

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### Learning objectives revisited

- The review and appeals process and the levels of appeal.
- How to prepare for and participate in the appeal process.

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Questions?



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