



Appealing a Review Division Decision

Worker's Guide

As a worker, or a dependant of a deceased worker, you can appeal most Review Division decisions to us at the Workers' Compensation Appeal Tribunal (WCAT). This guide shows you how to do so.

WHAT KIND OF REVIEW DIVISION DECISIONS CAN I APPEAL TO WCAT?

You can appeal most decisions from the Review Division to us. Here are some typical examples of decisions you can appeal:

- Whether you were injured on the job
- Whether you suffer from an occupational disease caused by your job
- How long you should receive short-term disability benefits
- How WorkSafeBC calculated your average earnings or wage rate
- Most permanent disability awards
- Whether WorkSafeBC should reopen your claim

You need to ensure that we receive your appeal within **30 days** of the date of the Review Division decision.

***Note:** We cannot decide any issue or question that was not contained in the WorkSafeBC or Review Division decision. If you want a decision on something new, you must ask WorkSafeBC for it.*

WHAT MATTERS CAN'T I APPEAL?

You cannot appeal some Review Division decisions to us. Here are some typical examples of decisions you cannot appeal:

- A decision regarding vocational rehabilitation assistance
- A decision about whether or not to refer a decision back to WorkSafeBC
- A decision not to give more time to bring your review to the Review Division
- The way a review officer handled your review
- A request for a lump-sum award (that is, to commute an award) for a permanent disability

WHO CAN PARTICIPATE IN WCAT APPEALS?

- You, along with your representative or adviser
- Your employer, along with their representative or their adviser

HOW DO I START MY APPEAL?

You have **30 days** to appeal a Review Division decision to us. You can start your appeal in one of these ways:

1. Fill out a *Notice of Appeal* (Compensation) form on-line at www.wcat.bc.ca. You will find the form under the **Forms** tab. If you are not familiar with our appeal process, this form will help you enter all the required information successfully. Print the completed form, sign it, and send it to us.
2. Print a blank *Notice of Appeal* (Compensation) form from www.wcat.bc.ca, fill it out, sign it, and send it to us. You can also telephone us and we will send you a *Notice of Appeal* form. In order to keep your appeal active, you need to ensure that we receive your completed form within **21 days**.

3. Send a letter telling us why you think the earlier decision is wrong. State the specific results you want from WCAT, such as more compensation. Include your name, address, telephone number, claim number (WorkSafeBC file number), the date of the decision you are appealing, and your signature.

If you have a copy of the Review Division decision available, please include the first page with your *Notice of Appeal* form or letter.

You will find our telephone, fax, and mailing address at the end of this guide.

Note: You do not need all your information and evidence before you appeal. We will later give you the opportunity to strengthen your appeal by providing more information and evidence, either through written or verbal submissions.

WHAT HAPPENS AFTER I SEND YOU MY APPEAL FORM OR LETTER?

We will send you a letter confirming that we have received your appeal and giving you an appeal number. We may also ask you for more information if your appeal form or letter does not seem complete. In order to keep your appeal active, you need to ensure that you give us all the information we request within **21 days**.

Call us if you do not receive this letter within 21 days from the date you sent in your appeal.

We will notify your employer of your appeal and invite them to participate in it.

We will then ask WorkSafeBC to send you “disclosure” (an updated copy of your claim

file). If your employer is participating in your appeal, WorkSafeBC will also send them disclosure.

You should start gathering your information and evidence now because it may take some time to get it, especially medical evidence.

WHAT IF I APPEAL TOO LATE?

If your appeal is late, you may be able to get an extension. We’ll ask you if special circumstances prevented you from appealing within the time limit. You can read more about acceptable reasons for extensions on our website. See items 8.2 and following in our *Manual of Rules of Practice and Procedure* (MRPP). You will find it on our website (www.wcat.bc.ca) under the **MRPP** tab.

If you require an extension, please explain your reasons for appealing late on the *Extension of Time to Appeal Application* form or in your letter of appeal. If you don’t give us an explanation, we will mail you an *Extension of Time to Appeal Application* form to fill out and return. In order to keep your appeal active, you need to ensure that we receive your completed form within **21 days**.

HOW WILL MY APPEAL PROCEED?

You will make your appeal either verbally (at an oral hearing) or in writing (through written submissions). You can ask for the method you prefer, though we will make the final decision.

Normally, we use oral hearings for appeals involving credibility, when the evidence is conflicting, or when a vice chair thinks it would provide the best way to fully understand an

appeal. Oral hearings are also often used where an appellant finds it challenging to communicate easily in written English.

The other method of appeal is by written submissions. This method is often suitable for appeals that deal with medical, legal, or policy issues.

To learn more about both oral and written submission appeals, please ask us for the relevant guide, or look for it on our website under the **Information Guides** tab.

HOW LONG WILL MY APPEAL TAKE?

You can expect us to decide your appeal within six months from the date that WorkSafeBC gives you disclosure. If your appeal is complicated, reaching a decision may take us more than six months.

If we ask you to present your appeal to us verbally, we will give you a specific time and date for an oral hearing. Please tell us immediately if you need a different date than the one we set for you.

If we ask you to give us a written submission to support your appeal, you have 21 days to send it to us. If you need more time, you may ask for up to 45 more days. If you do receive more time, any other participating party may also receive the same amount of extra time to provide their written submission.

CAN I PUT MY APPEAL ON HOLD?

You can ask us to put your appeal on hold (suspend your appeal) if there is a related matter still before WorkSafeBC, including the Review Division. Put your request to suspend your appeal in writing and we will inform you of our decision. You can later ask us to go ahead with your appeal without waiting for WorkSafeBC's decision on the related matter.

If your appeal is still on hold when WorkSafeBC sends you its decision on the related matter, ensure that you ask us to continue your appeal **within 30 days**. Otherwise, we will assume you are satisfied with the result and close your appeal.

DO I NEED SOMEONE TO REPRESENT ME?

You may appeal on your own of course, but you might also want to ask for assistance from someone familiar with the workers' compensation system, such as a union representative, compensation consultant, or a lawyer.

You can get free help with your appeal from a workers' adviser (see the end of this Guide for contact information).

To protect your privacy, we will not discuss your appeal with anyone but you unless you authorize a representative on the *Notice of Appeal* form. You can also file an *Authorization of Representative* form that gives us permission to do so. You will find both forms on our website under the **Forms** tab.

HOW CAN I SPEED UP MY APPEAL?

WCAT receives thousands of appeals each year. Your appeal will proceed more quickly if you:

- Include your WorkSafeBC claim number and your WCAT appeal number on everything you send to WCAT.
- Write to us if you change your address or your representative.
- Send us new evidence that supports your appeal as soon as possible.
- Answer any questions we may have about your appeal as soon as possible.
- Attend your oral hearing on the scheduled date, or send us your written submission by the deadline we give you.

WHERE CAN I FIND MORE INFORMATION?

You will find more information about starting an appeal, including the *Notice of Appeal* form, on our website (www.wcat.bc.ca) under the **Starting an Appeal** tab.

For more information about a WorkSafeBC claim or a review at the Review Division, please contact:

WorkSafeBC: 1 888 967-5377

Review Division: 1 888 922-8804

WHERE CAN I GET HELP WITH MY APPEAL?

You can get free help with your appeal from a workers' adviser at one of these locations:

WORKERS' ADVISERS

Website: www.labour.gov.bc.ca/wab

VANCOUVER/LOWER MAINLAND REGION

Abbotsford

204 - 32555 Simon Avenue
Abbotsford, BC V2T 4Y2
Telephone: 604 870-5488
Fax: 604 870-5494
Toll Free within BC:
1 888 295-7781

Richmond

500 - 8100 Granville Avenue
Richmond, BC V6Y 3T6
Telephone: 604 713-0360
Fax: 604 713-0311
Toll Free within BC:
1 800 663-4261

VANCOUVER ISLAND REGION

Campbell River

205 - 1040 Shoppers Row
Campbell River, BC V9W 2C6
Telephone: 250 830-6526
Fax: 250 830-6528
Toll Free within BC:
1 888 643-0013

Nanaimo

504 - 495 Dunsmuir Street
Nanaimo, BC V9R 6B9
Telephone: 250 741-5504
Fax: 250 741-5516
Toll Free within BC:
1 800 668-2117

Victoria

403 - 3960 Quadra Street
Victoria, BC V8X 4A3
Telephone: 250 952-4393
Fax: 250 952-4399
Toll Free within BC:
1 800 661-4066

INTERIOR REGION

Kamloops

102 - 70 Second Avenue
Kamloops, BC V2C 6W2
Telephone: 250 371-3860
Fax: 250 371-3820
Toll Free within BC:
1 800 663-6695

Kelowna

101 - 1726 Dolphin Avenue
Kelowna, BC V1Y 9R9
Telephone: 250 717-2096
Fax: 250 717-2010
Toll Free L:within BC:
1 866 881-1188

Nelson

310 Ward Street
Second Floor
Nelson, BC V1L 5S4
Telephone: 250 354-6933
Fax: 250 354-6944
Toll Free within BC:
1 866 354-6933

Prince George

208 - 1577 7th Avenue
Prince George, BC V2L 3P5
Telephone: 250 565-4280
Fax: 250 565-4283
Toll Free within BC:
1 800 263-6066

WCAT INFORMATION GUIDES

*Appealing a Review Division Decision -
Worker's Guide**

*Appealing a Review Division Decision -
Employer's Guide**

*Respondent's Guide**

*Oral Hearing Guide**

*Written Submission Guide**

*Medical Evidence Guide**

*Post Decision Guide**

Judicial Review Guide

*Legal Action Guide
(Section 257 Certificate)*

Direct Appeal Guide for Workers

Direct Appeal Guide for Employers

* These Guides are also available on our website in Punjabi, Chinese (Traditional) and Chinese (Simplified)

WCAT CONTACT INFORMATION

Website: www.wcat.bc.ca

Telephone: 604 664-7800

Fax: 604 664-7898

Toll Free within BC: 1 800 663-2782

Mailing Address:

Workers' Compensation Appeal Tribunal
150 - 4600 Jacombs Road
Richmond, BC V6V 3B1