

**WCAT****Workers' Compensation
Appeal Tribunal**150 – 4600 Jacombs Road
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**WORKERS' COMPENSATION APPEAL TRIBUNAL (WCAT)
QUARTERLY REPORT TO THE COMMUNITY
FOR THE PERIOD ENDED DECEMBER 31, 2004**

WCAT commenced operations on March 3, 2003. Our mandate is to decide appeals brought by workers and employers from decisions of the Workers' Compensation Board (WCB). WCAT receives compensation, assessment, and prevention appeals from decisions of the Review Division of the WCB. We also receive direct appeals from WCB decisions regarding compensation claim reopenings by application, discriminatory action complaints, and applications for certificates to the Court.

Our current inventory consists of:

- backlog appeals that we inherited from the Workers' Compensation Review Board (WCRB) and the Appeal Division when both tribunals ceased operations on February 28, 2003;
- transition appeals consisting primarily of appeals to WCAT from findings for appeals that were seized by the WCRB when it ceased operations; and
- new appeals arising from WCB decisions made on and after March 3, 2003.

WCAT started operations with a backlog of 22,446 appeals. During our first 22 months of operation ended December 31, 2004, we reduced the backlog from 22,446 to 5,939 appeals. This represents a reduction of 16,507 appeals, or 73.5% of the backlog.

In 2003 we established the goal of reducing the backlog to 5,600 appeals (by 75%) by the end of March 2005 and completely eliminating the backlog by the end of our third year of operations in February 2006. We anticipate that we will reduce the backlog by 75% by the end of January 2005 and we appear to be on track to eliminate the remainder of the backlog by February 28, 2006.

As of December 31, 2004, our total active inventory was 9,882 appeals, consisting of 5,939 backlog appeals, 3,723 new WCAT appeals and 220 transition appeals.

In the third quarter of 2004, our intake amounted to 1,698 appeals. This included 36 appeals that had been suspended by the Appeal Division or the WCRB and that were reactivated by WCAT. Our intake of 1,662 new appeals in the third quarter is up 10.9% from the 1,498 new appeals we received in the third quarter, and up 8.8% from the 1,528 new appeals we received in the second quarter.

While it is still too early to accurately forecast the future intake of appeals from Review Division decisions, our intake of new appeals appears to be stabilizing. The vast majority of new appeals continue to be related to compensation matters. During the third quarter, we decided 2,058 appeals on their merits and made summary decisions on a further 775 appeals that were rejected, abandoned, withdrawn, or suspended.

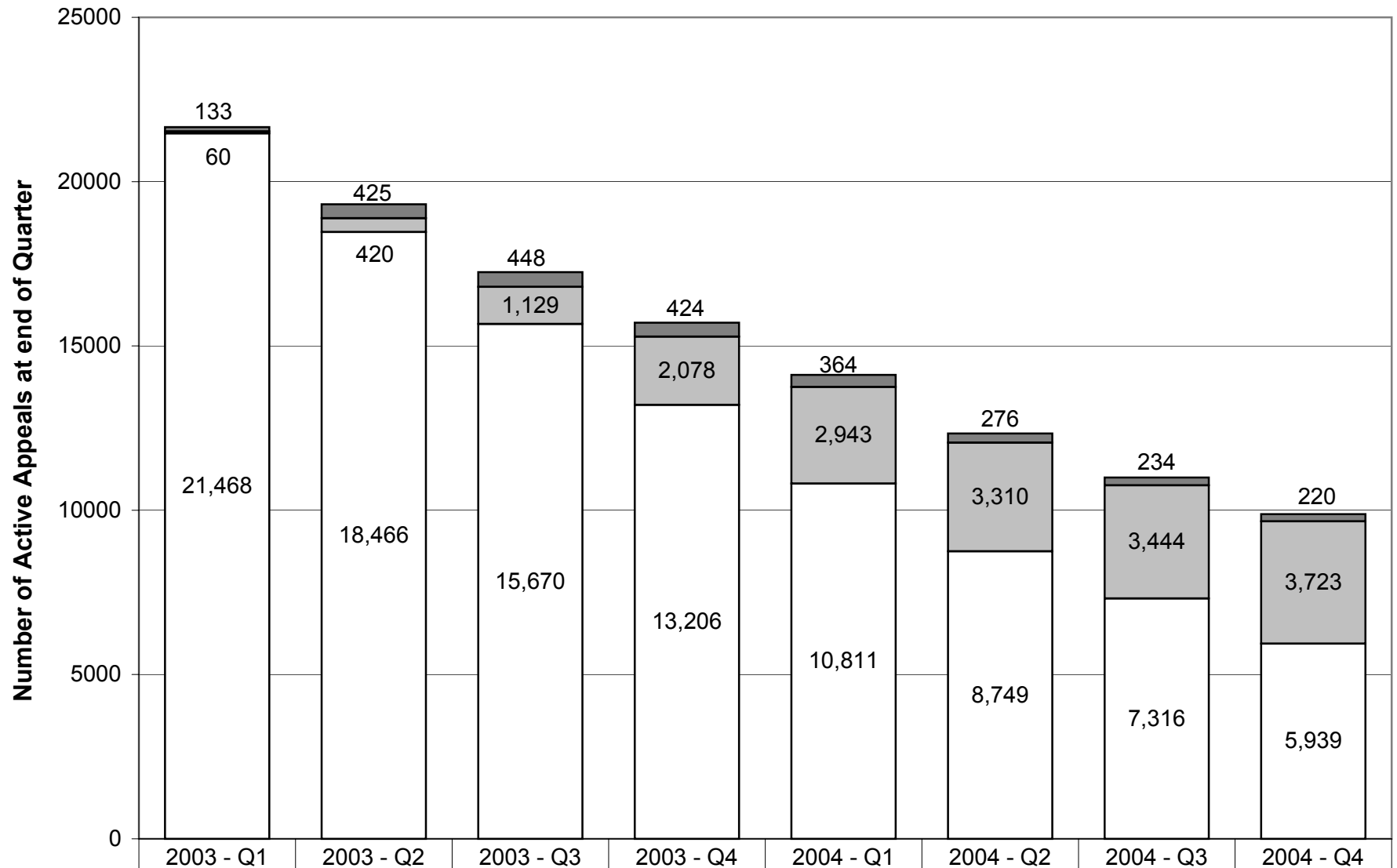
During this quarter WCAT confirmed the decision of the WCB or the previous decision-maker in 59.8% of the cases, and cancelled or varied these decisions in whole or in part in 40.2% of cases.

Attached are a number of graphs and tables that contain further details. These graphs and tables show a summary of WCAT's activities for all appeals, and for new appeals and backlog appeals separately.

Jill Callan
Chair

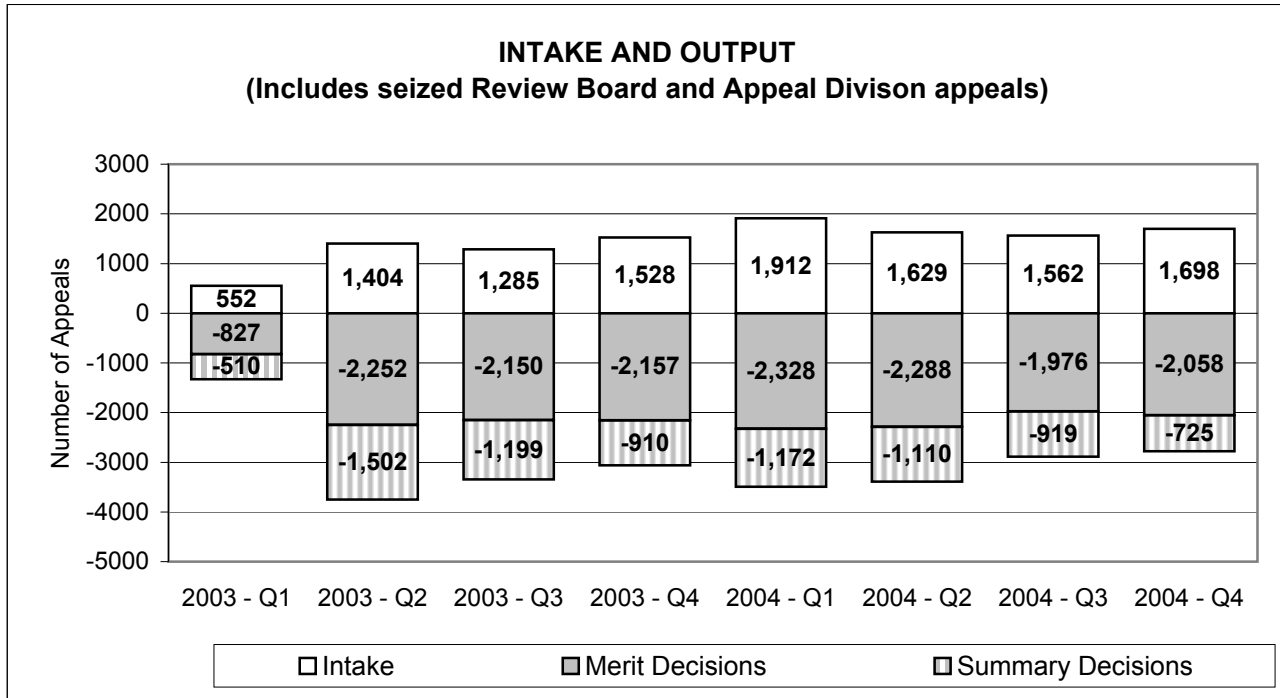
Attachment

**WORKERS' COMPENSATION APPEAL TRIBUNAL
NUMBER OF ACTIVE APPEALS IN INVENTORY
(Includes seized Review Board and Appeal Division appeals)**



■ Transition Appeals	133	425	448	424	364	276	234	220
■ New WCAT Appeals	60	420	1129	2078	2943	3310	3444	3723
□ Backlog Appeals	21468	18466	15670	13206	10811	8749	7316	5939

A. SUMMARY STATISTICS - ALL APPEALS



1. OUTCOMES OF MERIT DECISIONS:

Outcome	2004 - Q4	In YTD
Confirmed	59.8%	56.9%
Varied	40.1%	43.1%
Cancelled	0.1%	0.0%
Total	100.0%	100.0%

2. OUTCOMES OF ISSUES:

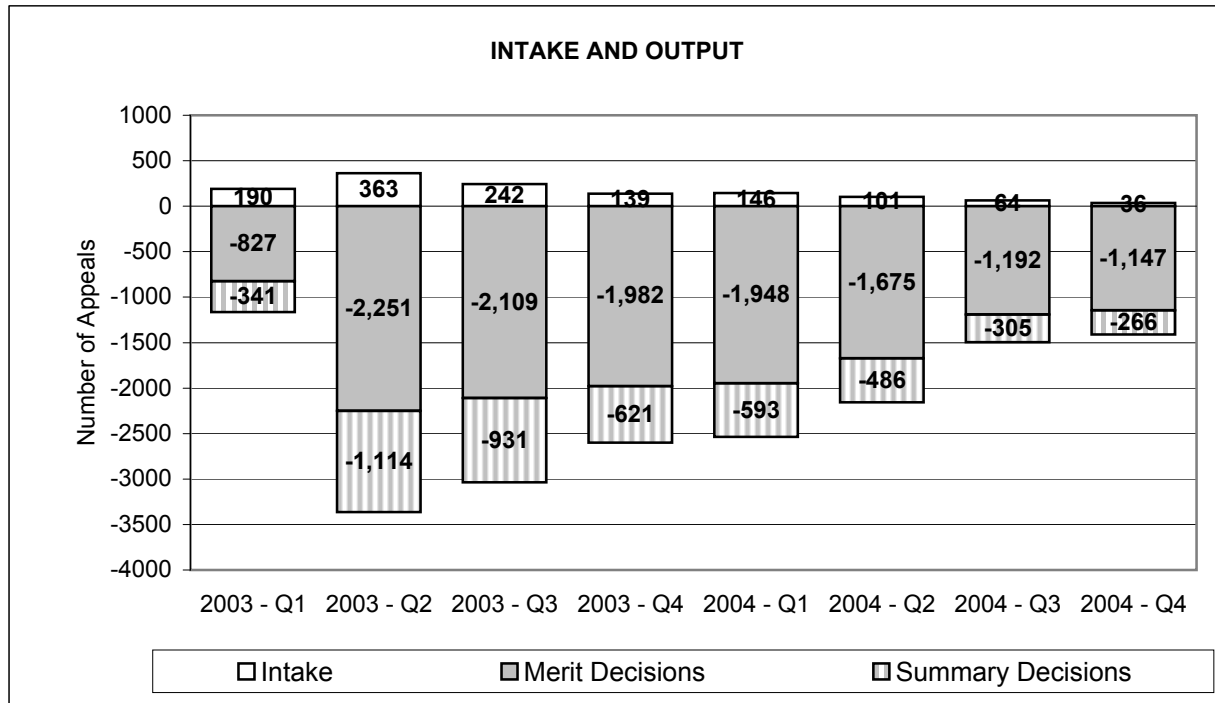
Outcome	2004 - Q4	In YTD
Denied	64.2%	60.4%
Allowed	28.6%	31.2%
Allowed in Part	7.3%	8.3%
Total	100.0%	100.0%

3. REASONS FOR ISSUE OUTCOMES:

Outcome	2004 - Q4	In YTD
Denied	64.2%	60.5%
Error in Law	0.6%	0.6%
Error in Policy	1.2%	1.4%
Reweigh Existing Evidence	9.4%	12.6%
Reweigh with New Evidence	24.7%	24.9%
Grand Total	100.0%	100.0%

Note: Outcomes of appeals and issues do not include appeals or issues that were seized by the Review Board or the Appeal Division on March 3, 2003.

B. SUMMARY STATISTICS - BACKLOG APPEALS ONLY



* Intake includes reactivated appeals and appeals that were not registered by March 3, 2003.

1. OUTCOMES OF MERIT DECISIONS:

Outcome	2004 - Q4	In YTD
Confirmed	55.5%	54.8%
Varied	44.5%	45.2%
Cancelled	0.0%	0.0%
Total	100.0%	100.0%

2. OUTCOMES OF ISSUES:

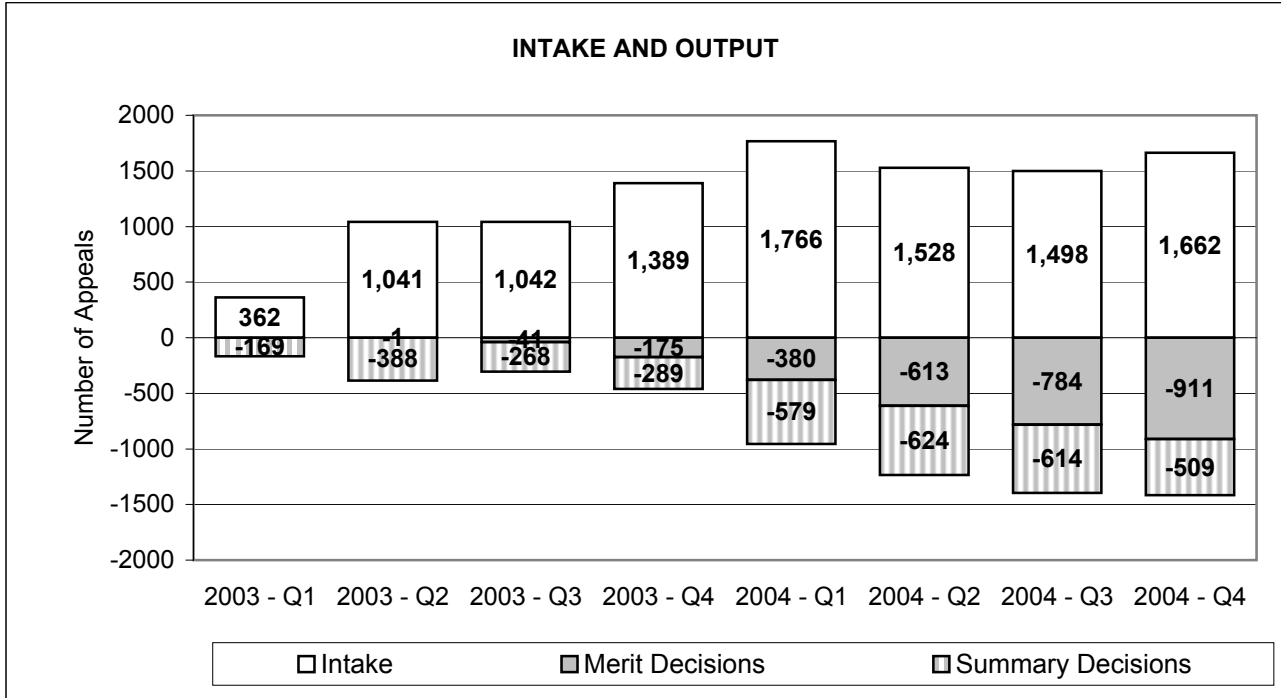
Outcome	2004 - Q4	In YTD
Denied	59.7%	58.3%
Allowed	31.5%	33.0%
Allowed in Part	8.8%	8.7%
Total	100.0%	100.0%

3. REASONS FOR ISSUE OUTCOMES:

Outcome	2004 - Q4	In YTD
Denied	59.7%	58.4%
Error in Law	0.4%	0.5%
Error in Policy	1.2%	1.4%
Reweigh Existing Evidence	8.3%	13.0%
Reweigh with New Evidence	30.5%	26.7%
Grand Total	100.0%	100.0%

Note: Outcomes of appeals and issues do not include appeals or issues that were seized by the Review Board or the Appeal Division on March 3, 2003.

C. SUMMARY STATISTICS - NEW AND TRANSITION APPEALS ONLY



1. OUTCOMES OF MERIT DECISIONS:

Outcome	2004 - Q4	In YTD
Confirmed	65.3%	65.0%
Varied	34.6%	35.0%
Cancelled	0.1%	0.0%
Total	100.0%	100.0%

2. OUTCOMES OF ISSUES:

Outcome	2004 - Q4	In YTD
Denied	69.9%	68.6%
Allowed	24.8%	24.5%
Allowed in Part	5.3%	6.9%
Total	100.0%	100.0%

3. REASONS FOR ISSUE OUTCOMES:

Outcome	2004 - Q4	In YTD
Denied	69.9%	68.6%
Error in Law	0.8%	1.1%
Error in Policy	1.2%	1.5%
Reweigh Existing Evidence	10.9%	10.9%
Reweigh with New Evidence	17.3%	17.8%
Grand Total	100.0%	100.0%