

## **Decision of the Chair, Workers' Compensation Appeal Tribunal**

Number: 10  
Date: February 13, 2008  
Subject: Manual of Rules of Practice and Procedure

1. Whereas in Decision of the Chair No. 7, a revised *Manual of Rules of Practice and Procedure* (MRPP) dated December 3, 2004 was approved as an amendment and replacement of the MRPP effective December 3, 2004.
2. And whereas in *WCAT-2008-00457*, dated February 13, 2008, the chair concluded that that the Workers' Compensation Appeal Tribunal (WCAT) does not have the authority to set aside and reconsider a previous appeal division decision on the basis of jurisdictional error (common law grounds).
3. Pursuant to the chair's authority under section 234 of the *Workers Compensation Act* and WCAT's authority under sections 11 and 13 of the *Administrative Tribunals Act*, item #15.24 of the MRPP is attached and amended to delete the following from the first paragraph:

WCAT also has jurisdiction to consider an application to set aside an Appeal Division decision on common law grounds (see *WCAT-2004-04928*).
4. These rules of practice and procedure remain in effect until their amendment, replacement or revocation by the chair.

Jill Callan  
Chair, Workers' Compensation Appeal Tribunal

Signed at Richmond, British Columbia, as of February 13, 2008