

WORKER'S COMPENSATION BOARD OF BRITISH COLUMBIA

REVIEW DIVISION

Statistical Overview – 1st Quarter 2004

The Review Division

The Review Division was created in 2002 as a result of amendments to the *Workers Compensation Act* (the "Act") that made significant changes to the workers' compensation appeal process. These changes, which took effect on March 3, 2003, established two levels of review or appeal for most decisions made by the Workers' Compensation Board (the "Board") under the *Act*.

The first level is internal, involving a review by a Review Officer in the Review Division and the second level is to the independent Workers' Compensation Appeal Tribunal ("WCAT").

The Review Division is a key component of the WCB's overall quality management process. It plays a significant role in quality adjudicative decision-making by providing:

- a) expert and independent reviews of decisions;
- b) timely resolution of requests for review; and
- c) information and feedback about decision-making to the operating divisions.

Purpose of this Report

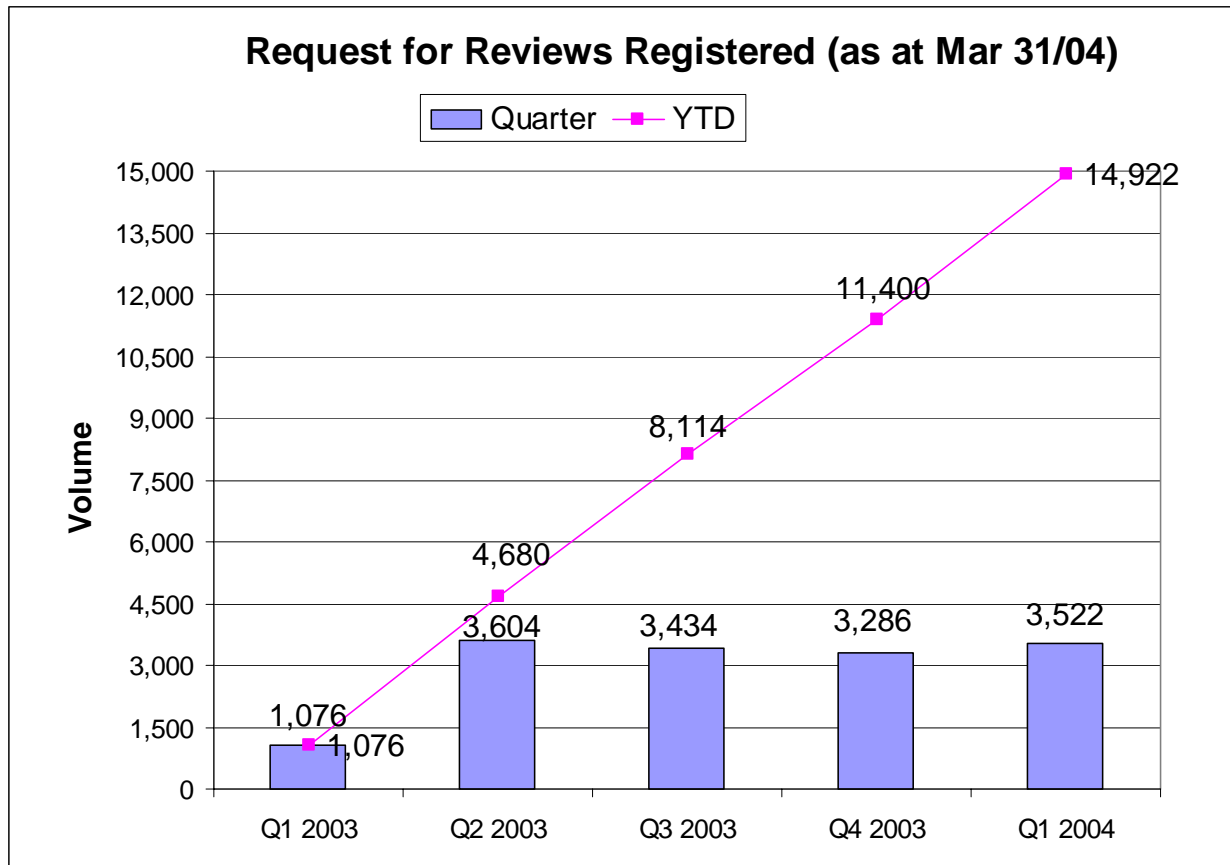
This report is part of an ongoing series of statistical overview reports which will be issued at the end of each quarter. The report includes 3 sections:

- A. Incoming Request for Reviews – Information about the volume of request for reviews received by the Review Division
- B. Completed Reviews – Information about the volume and outcome of completed reviews
- C. Completed Issues – Information about the volume and outcome of issues decided in completed reviews

This report is intended primarily for readers who are already familiar with the WCB decision making environment and the Review and Appeal processes. Additional information about the Division and the WCB can be found at www.WorkSafebc.com or by contacting the Review Division directly by phone at 604-214-5411.

A. Incoming Requests for Review

Reviews may be requested on decisions concerning Compensation, Prevention or Assessment matters. A very small percentage of decisions made by the Board are reviewed. It is estimated that in the course of their duties, WCB officers make approximately two million reviewable claim-related decisions a year. Either party may request a review on a decision on a claim-related matter. This creates a potential for almost 4 million decisions a year that could be subject to a review.



Comments:

- The incoming volume of new requests for review continues in the range of 1,100 to 1,200 per month.

B. Processing Status of Requests for Reviews

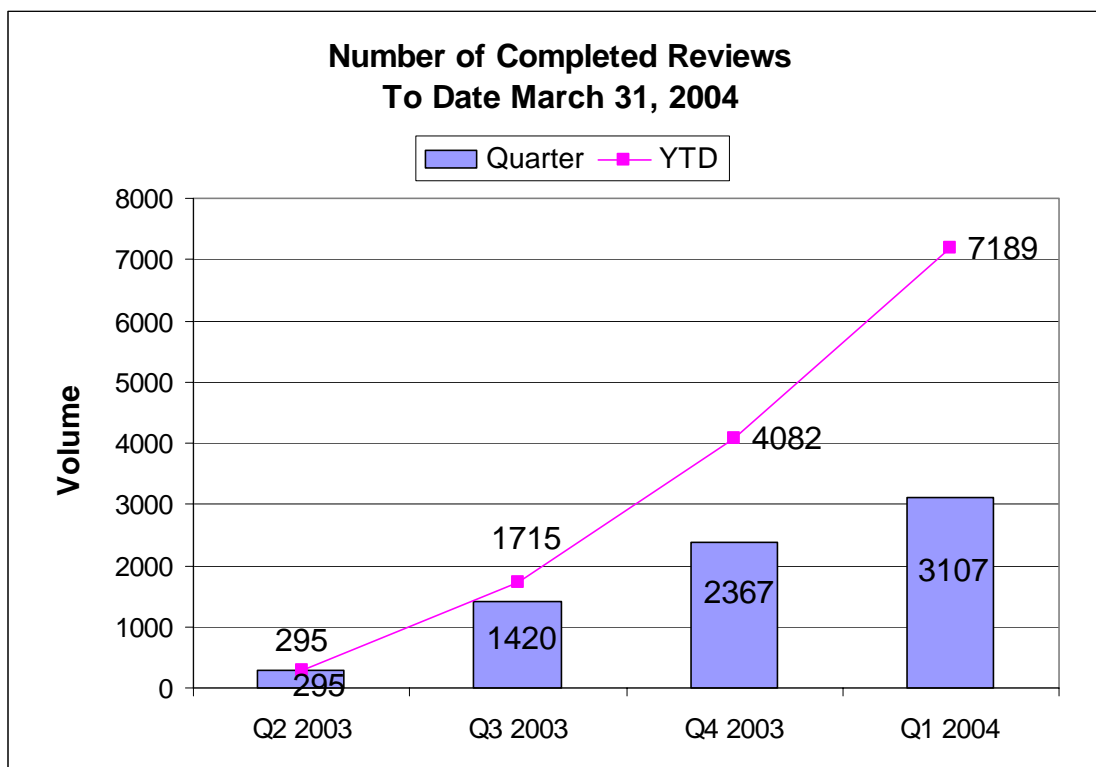
Status	Quarter 1	
	2003*	2004
Outstanding Balance Beginning of Period	0	4,703
Received During Period	1,076	3,522
Allowed Application Extension of Time	0	181
Less: Rejected	195	608
Withdrawn	26	342
Completed	0	3,107
Outstanding Balance end of Period	855	4,349

* The review and appeals system change arising from Bill 63 did not come fully into effect until March 3, 2003.

Comments:

- The drop off rate of requests for reviews to date has been 24%. This is comprised of 17% requests for reviews rejected (the primary reasons for rejection include late submission requests, no underlying decision to review, and request outside of Review Division jurisdiction) and 7% reviews withdrawn before the review is completed.

C. Completed Reviews to Date



Comments:

- The volume of reviews completed climbed steadily through to the 4th quarter of 2003 as more review decisions became due and as the Review Division increased its capacity and gained experience. Completed reviews are keeping pace with reviews due and have averaged about 1,000 reviews per month for the first quarter 2004.

D. Review Outcomes

Each request for review usually relates to a specific decision letter from one of the WCB operating divisions. As shown in the table below, one of four possible outcomes is coded to each completed review:

Outcome for Completed Reviews*	Quarter 1	% of Q1 Total	Total to Date	% of Total to Date
Confirm	1,929	62.1%	4,467	62.1%
Cancel	4	0.1%	11	0.2%
Vary	877	28.2%	2,104	29.3%
Return to Board	297	9.6%	607	8.4%
Total	3,107	100.0%	7,189	100.0%

*See appendix for definitions.

E. Issue Outcomes

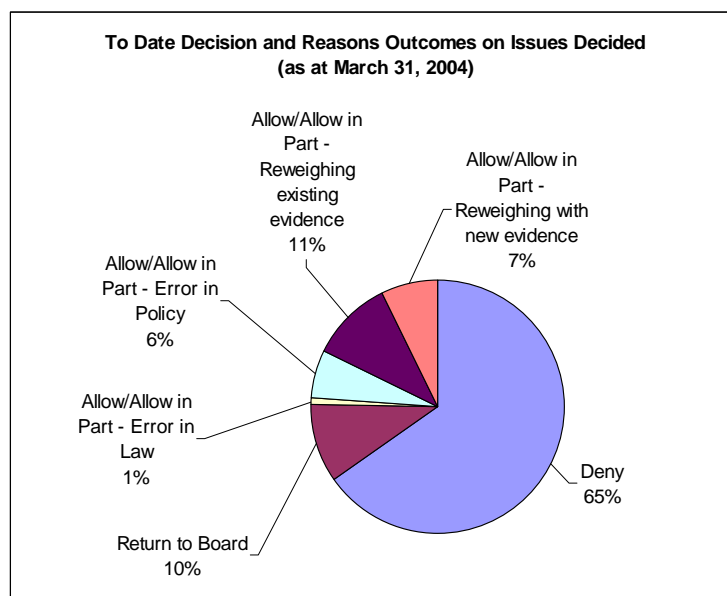
I. Overall Issue Outcomes

Within each decision letter reviewed, there will be one or more issues under review. The Review Division provides statistics on decisions concerning the overall reviews and on the issues under review. As shown in the table below, one of four possible outcomes is coded to each completed issue:

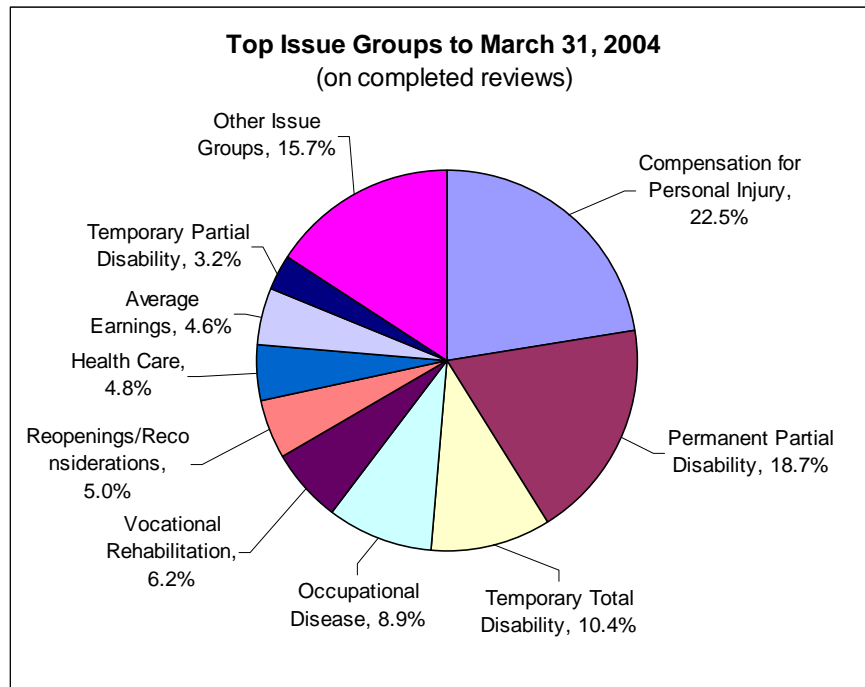
Outcome for Completed Issues*	Quarter 1	% of Q1 Total	Total To Date	% of To Date Total
Deny	2,377	64.8%	5,876	65.3%
Allow	690	18.8%	1,756	19.5%
Allow in Part	204	5.6%	478	5.3%
Return to Board	398	10.8%	891	9.9%
Total	3,669	100.0%	9,001	100.0%

*See appendix for definitions.

II. Outcome and Reasons for Issues Decided To Date



III. Most Common Issues under Review



Issue Group	# of Issues in Q1	% of Qtr Total	# of Issues Total to Date	% of Total to Date
Compensation for Personal Injury	896	24.4%	2023	22.5%
Permanent Partial Disability	616	16.8%	1681	18.7%
Temporary Total Disability	406	11.1%	933	10.4%
Occupational Disease	349	9.5%	799	8.9%
Vocational Rehabilitation	220	6.0%	559	6.2%
Reopenings/Reconsiderations	202	5.5%	454	5.0%
Health Care	167	4.6%	433	4.8%
Average Earnings	184	5.0%	414	4.6%
Temporary Partial Disability	123	3.4%	288	3.2%
Other Issue Groups	506	13.8%	1417	15.7%
Total	3669	100.0%	9001	100.0%

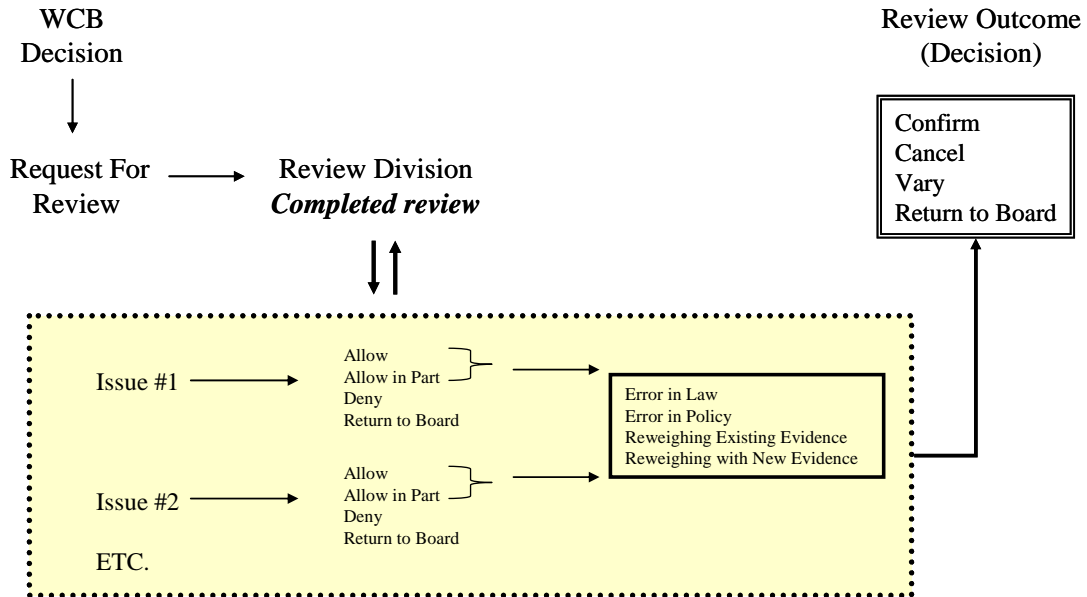
Note: "Other issue groups" includes issue groups with to date issues coded to it < 3.2%.

Comments:

- Issues are summarized in issue groups which cover a specific topic or area of decision-making.
- 98% of review requests to date concern claim-related matters. As shown in the chart above, the most common issue under review is in the area of Compensation for Personal Injury which, in most cases, relates directly to the decision of whether a claim is accepted.

F. Appendix

1) Linkage of Decisions, Reviews, & Issues



II) Definition of Terms

The Review Division of the Workers' Compensation Board (the "Board") has authority under sections 96.2 to 96.5 of the Workers Compensation Act (the "Act") to review decisions in specific cases made by officers in the Board's Compensation Services, Finance (Assessment decisions), and Prevention Divisions.

Pursuant to Section 96.2(3) of the *Act*, a Request for Review must be filed within 90 days from the date when the Board decision or order was made. Board decisions are normally communicated in a letter or other document that includes an explanation of the reasons for the decision. This letter or document should be submitted with the Request for Review form when initiating a review of the decision to the Review Division.

With each decision letter, one or more issues may be identified and each of these issues may be reviewed. Upon review, Review Officers will determine an outcome for each of the issues. Outcomes of issues may be one of the following four types:

Allow	The Review Officer disagrees with the determination made on an issue covered by a decision or order under review.
Allow in Part	The Review Officer disagrees in part with the determination made on an issue covered by a decision or order under review.
Deny	The Review Officer agrees with the determination made on an issue covered by a decision or order under review.
Return to Board	A referral of a decision or order back to the Compensation Services, Finance or Prevention Division of the Board so that the Division may make a further determination on one or more issues.

For each issue with the outcome of allow, allow in part, or return to Board, a reason must be provided for why. Reasons provided can be one or more of the following:

Error in law	The decision was inconsistent with the <i>Act</i> , a regulation under the <i>Act</i> , or some other law or regulation.
Error in policy	The decision was inconsistent with the published policy of the Board.
Reweighing existing evidence	The decision was changed because the Review Officer reached a different conclusion on the same evidence that was before the initial decision maker.
Reweighing with new evidence	The decision was changed because the Review Officer reached a different conclusion as a result of significant new evidence that was not before the initial decision maker.

Although each review may deal with one or more issues, an outcome for the whole review must be stated using the terms set out in section 96.4(8)(a) of the *Act*. Outcomes on each review may be one of the following:

Confirm	The Review Officer agrees with the determinations made on every issue covered by a decision or order under review, though not necessarily with the reasons for those determinations.
Cancel	The Review Officer disagrees with the determinations made on every issue covered by a decision or order under review and determines that the decision should be withdrawn without a new decision being substituted.
Return to Board	A referral of a decision or order back to the Compensation Services, Finance or Prevention Division of the Board so that the Division may make a further determination on one or more issues.
Vary	Any decision by a Review Officer other than one that confirms or cancels a decision or order. This covers situations where the Review Officer <ul style="list-style-type: none"> (a) agrees with the determination made on one or more, but not all, the issues covered by a decision or order under review, or (b) disagrees with the determinations on all issues, and decides to substitute a new decision or order.