

# WORKER'S COMPENSATION BOARD OF BRITISH COLUMBIA

## REVIEW DIVISION

### Statistical Overview – 3<sup>rd</sup> Quarter 2004

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#### 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 but independent, 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 also 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

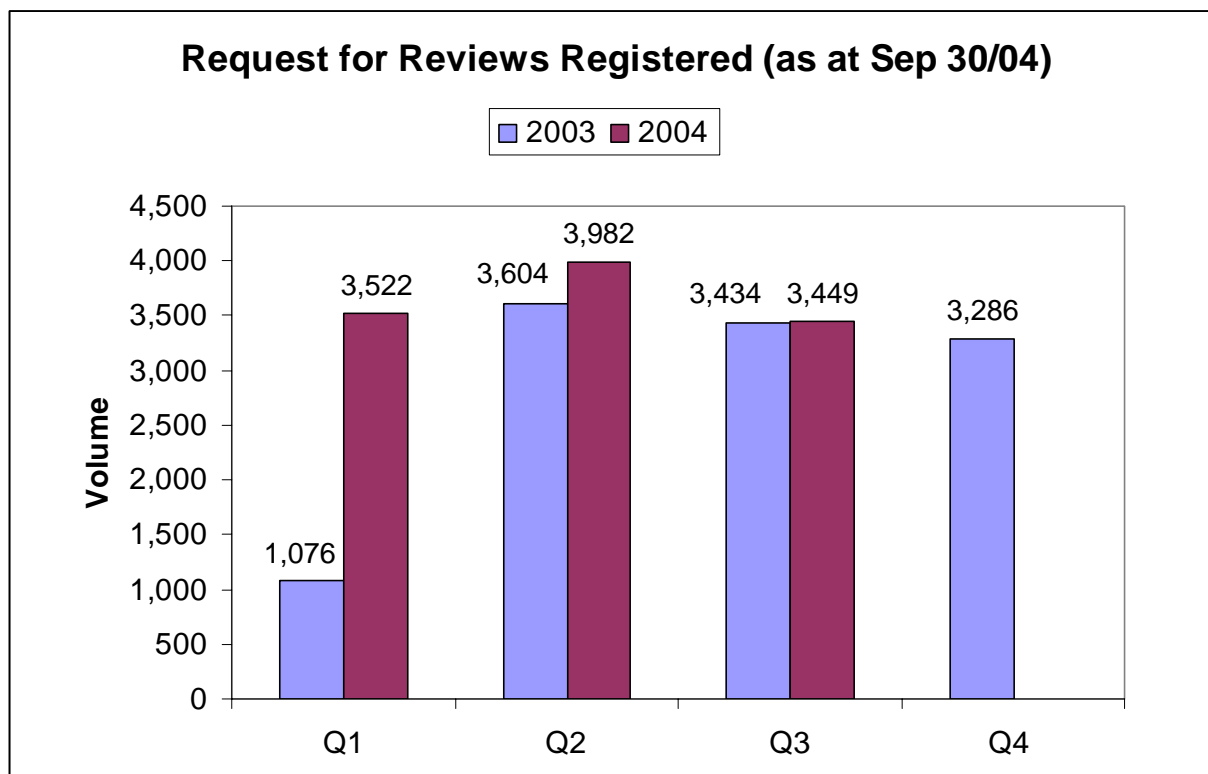
This statistical overview report will be issued at the end of each quarter. The report includes three sections:

- A. Incoming Request for Reviews – Information about the volume of requests for review 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](http://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 four million decisions a year that could be subject to a review.



### Comments:

- The incoming volume of new requests for review has been relatively stable since the 2<sup>nd</sup> quarter of 2003. The increase of requests for review registered in the 2<sup>nd</sup> quarter of this year is due to improved processing timeliness by the Division. On average, new requests for review are now being registered and a response sent within five days.

## B. Processing Status of Requests for Reviews

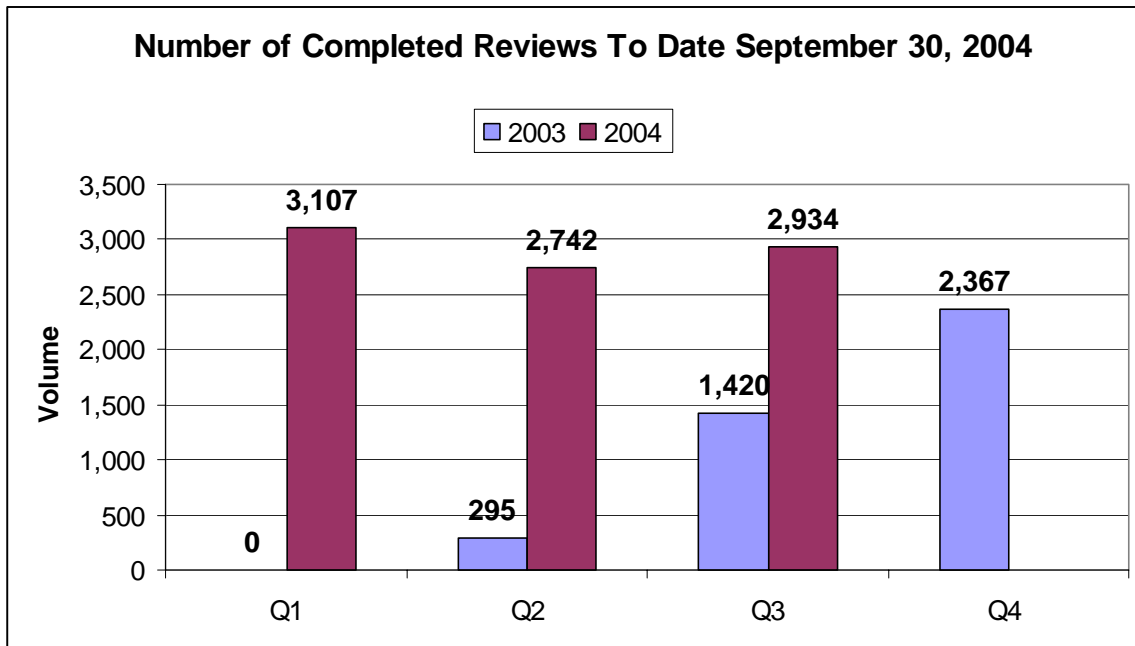
Status	Quarter 3	
	2003*	2004
Outstanding Balance Beginning of Period	3,463	4,737
Registered During Period	3,434	3,449
Allowed Application Extension of Time	16	200
Less: Rejected	559	451
Withdrawn	273	359
Completed	1,420	2,934
<b>Outstanding Balance end of Period</b>	<b>4,661</b>	<b>4,642</b>

\* 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 review to date has been 24%. This is comprised of 16% requests for review rejected (the primary reasons for rejection include late submission requests, no underlying decision to review, and request outside of Review Division jurisdiction) and 8% reviews withdrawn before the review is completed.

## C. Completed Reviews to Date



### Comments:

- The volume of reviews completed has climbed significantly in 2004 as the Review Division has increased its capacity and gained experience. The Division is keeping pace with the workload of decisions due.

## 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 3	% of Q3 Total	YTD 2004	% YTD 2004
Confirm	1,899	65%	5,523	63%
Cancel	7	0%	15	0%
Vary	715	24%	2,301	26%
Return to Board	313	11%	944	11%
<b>Total</b>	<b>2,934</b>	<b>100%</b>	<b>8,783</b>	<b>100%</b>

\*See appendix for definitions.

## E. Issue Outcomes

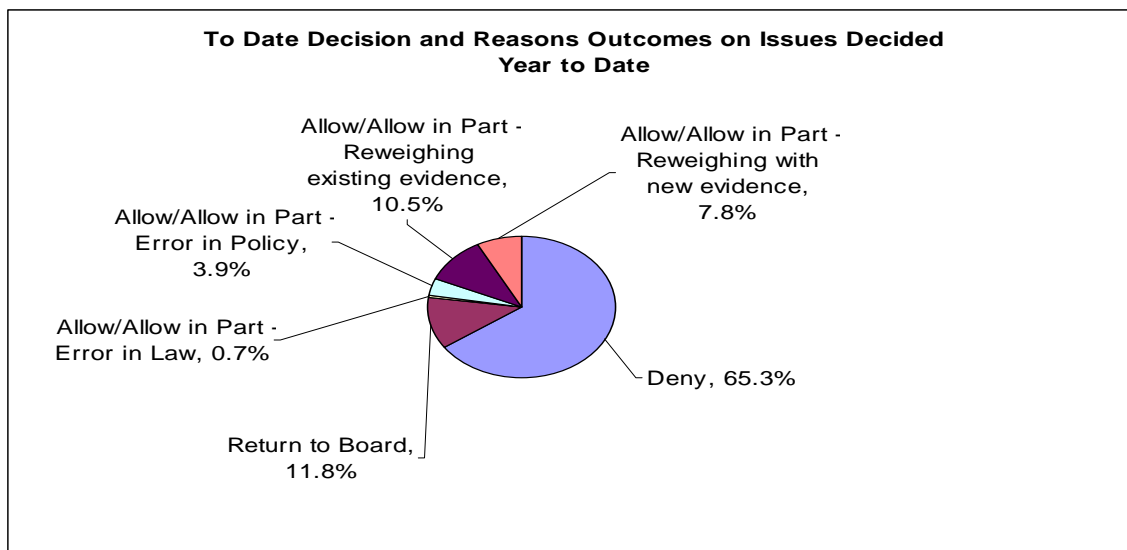
### I. Overall Issue Outcomes

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:

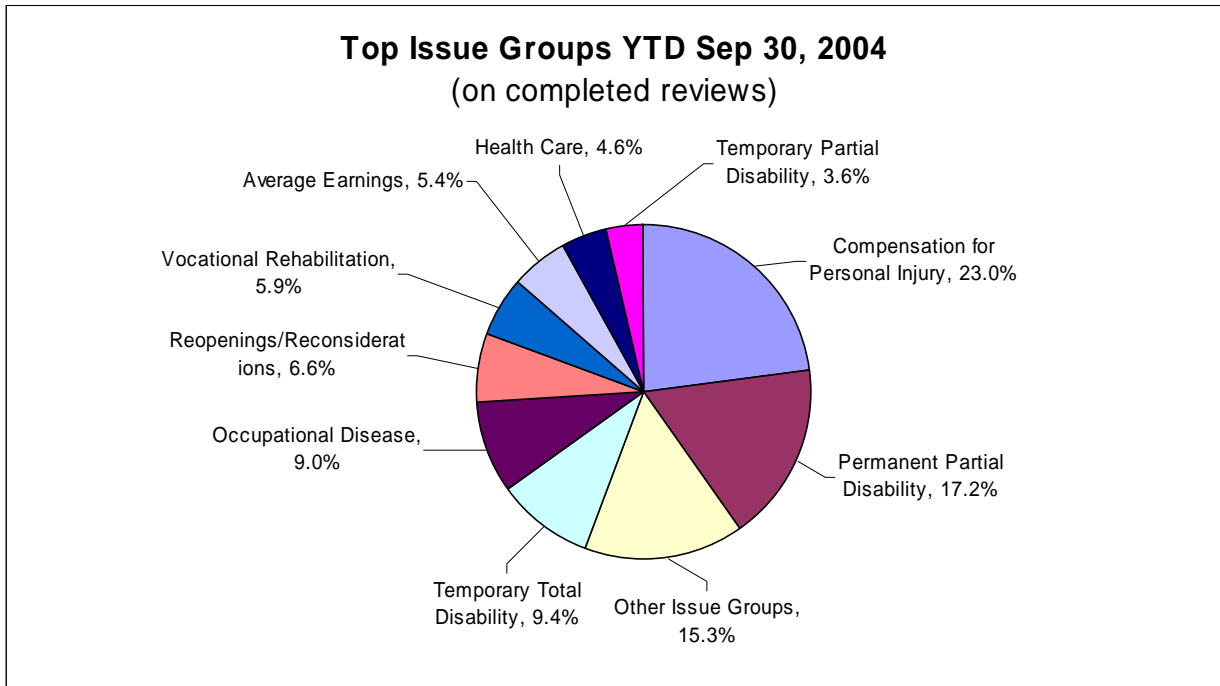
Outcome for Completed Issues*	Quarter 3	% of Q3 Total	YTD 2004	YTD 2004
Allow	560	16%	1,794	18%
Allow in Part	172	5%	561	5%
Deny	2,316	67%	6,715	65%
Return to Board	405	12%	1,208	12%
<b>Total</b>	<b>3,453</b>	<b>100%</b>	<b>10,278</b>	<b>100%</b>

\*See appendix for definitions.

### II. Outcome and Reasons for Issues Decided To Date\*\*



### III. Most Common Issues under Review



Issue Group	# of Issues in Q3	% of Qtr Total	# of Issues Total Year to Date	% of Total Year to Date
Compensation for Personal Injury	773	22.4%	2361	23.0%
Permanent Partial Disability	600	17.4%	1771	17.2%
Other Issue Groups	566	16.4%	1575	15.3%
Temporary Total Disability	277	8.0%	963	9.4%
Occupational Disease	272	7.9%	921	9.0%
Reopenings/Reconsiderations	315	9.1%	682	6.6%
Vocational Rehabilitation	189	5.5%	609	5.9%
Average Earnings	205	5.9%	558	5.4%
Health Care	134	3.9%	468	4.6%
Temporary Partial Disability	122	3.5%	370	3.6%
<b>Total</b>	<b>3453</b>	<b>100.0%</b>	<b>10278</b>	<b>100.0%</b>

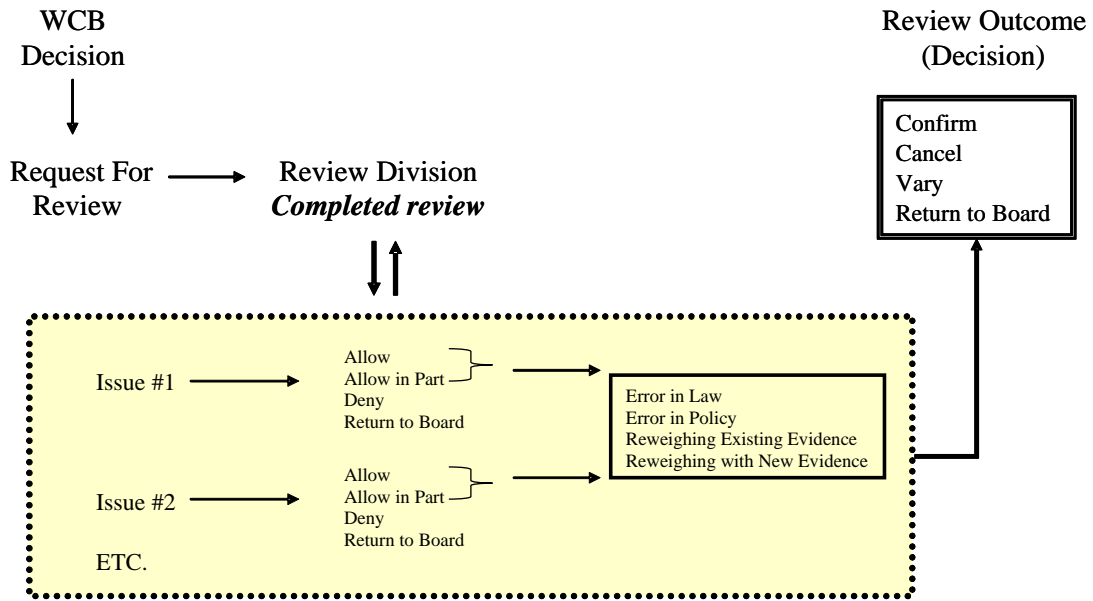
Note: "Other issue groups" includes issue groups with year to date issues coded to it < 3.6%.

#### Comments:

- Issues are summarized in issue groups which cover a specific topic or area of decision-making.
- 98% of review requests year-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:

<b>Allow</b>	The Review Officer disagrees with the determination made on an issue covered by a decision or order under review.
<b>Allow in Part</b>	The Review Officer disagrees in part with the determination made on an issue covered by a decision or order under review.
<b>Deny</b>	The Review Officer agrees with the determination made on an issue covered by a decision or order under review.
<b>Return to Board</b>	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:

<b>Error in law</b>	The decision was inconsistent with the <i>Act</i> , a regulation under the <i>Act</i> , or some other law or regulation.
<b>Error in policy</b>	The decision was inconsistent with the published policy of the Board.
<b>Reweighing existing evidence</b>	The decision was changed because the Review Officer reached a different conclusion on the same evidence that was before the initial decision maker.
<b>Reweighing with new evidence</b>	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:

<b>Confirm</b>	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.
<b>Cancel</b>	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.
<b>Return to Board</b>	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.
<b>Vary</b>	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"> <li>(a) agrees with the determination made on one or more, but not all, the issues covered by a decision or order under review, or</li> <li>(b) disagrees with the determinations on all issues, and decides to substitute a new decision or order.</li> </ul>