

WORKSAFEBC

REVIEW DIVISION

Statistical Overview – 3rd Quarter 2007

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 WorkSafeBC (Workers' Compensation 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 external but also independent Workers' Compensation Appeal Tribunal ("WCAT").

The Review Division's mission is to effectively process reviews and to reduce disputes leading to reviews and appeals by providing:

- Opportunity for decision-makers and participants to understand and resolve disagreements.
- Clients an opportunity to present their case.
- Clear, fair and consistent decisions.
- Information and feedback to decision-makers about decision-making.
- Information and feedback to workers and employers and others about decision-making.

Purpose of this Report

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

- A. Incoming Requests for Review – 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. A review may involve more than issue.

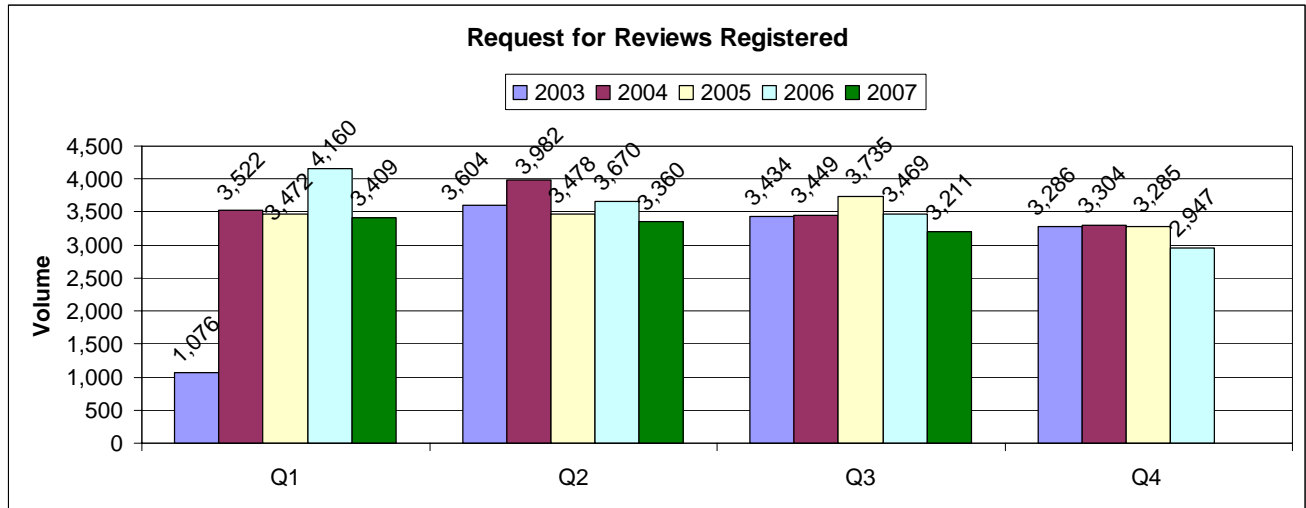
This report is intended primarily for readers who are already familiar with the WorkSafeBC decision-making environment and the Review and Appeal processes. Additional information about the Review Division can be found at:

http://www.worksafebc.com/claims/review_and_appeals/review_division/default.asp

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, WorkSafeBC 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.



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

Comments:

- In quarter 3, incoming volumes continue to drop and the number of registered Requests for Review decreased by 7% compared to the same period in 2006. Year to date, incoming review volumes are down 9% compared to 2006.

B. Processing Status of Requests for Reviews

Status		Q3 2006	Q3 2007
Outstanding Balance Beginning of Period		4,431	3,842
Registered During Period		3,469	3,211
Reactivated Reviews*		24	12
Less:	Rejected	46	41
	Declined	139	99
	Discarded	94	77
	Abandoned	8	3
	Withdrawn	401	449
	Completed	2,755	2,576
Outstanding Balance end of Period		4,481	3,820

* Reviews that were initially rejected or declined and subsequently reactivated.

Comments:

- The "drop-off rate" of Requests for Review in Q3 2007 is 21%, which is higher than the previous quarter (18%). This is comprised of 7% Requests for Review rejected/declined/discarded/abandoned (the primary reasons for rejection include late filing, no underlying decision to review, and requests outside of Review Division jurisdiction) and 14% reviews withdrawn before the review was completed. The percent of reviews withdrawn has increased this quarter 3% from the previous quarter.

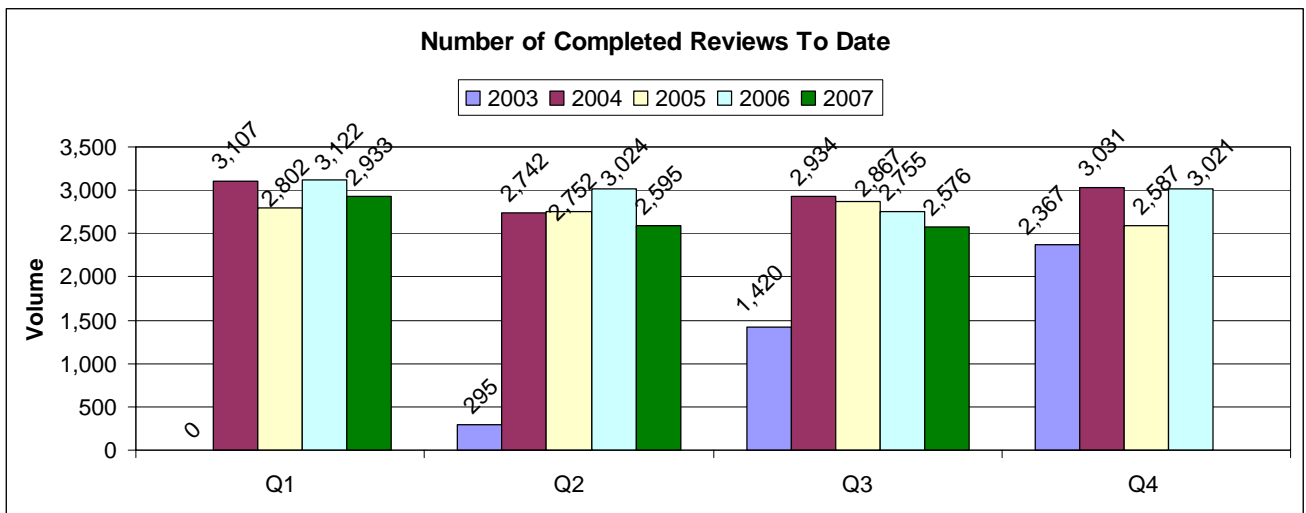
C. Decision on Applications for Extensions of Time to Apply for a Review

Decision	Q3 2006	YTD Q3 2006	Q3 2007	YTD 2007
Allowed	115	295	118	342
Denied	83	302	61	193
Total	198	597	179	535

Comments:

- The number of “late review” requests (filed outside of the 90 days statutory deadline) in Q3 2007 was 10% less than compared to Q3 2006. The YTD volumes are down by the same rate.
- The percent “allowed” is higher this quarter than last quarter (66% this quarter vs 63% Q2 2007).

D. Completed Reviews to Date

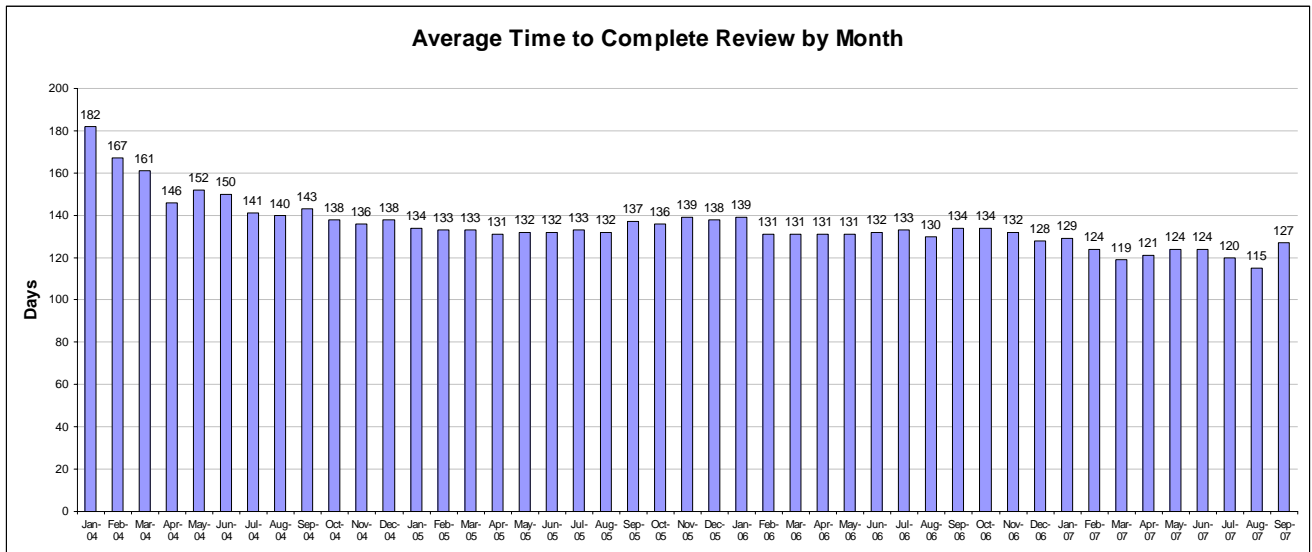


* The review and appeals system change arising from Bill 63 did not come fully into effect until March 3, 2003.

Comments:

- The number of completed reviews in Q3 2007 decreased by 6% compared to Q3 2006, but is almost the same as the previous quarter. The decline in reviews completed is almost entirely the result of the drop in incoming reviews.

E. Average Time to Complete a Review



Comments:

- The average days from receipt of a request for review to the completion of the review has been substantially reduced since January 2004. The average number of days to complete a review in 2006 was 132 days. In this quarter, the average time to complete a review has decreased to 120 days.
- The Division is moving to even more of a 1st in-1st out approach priority given to those reviews where the parties have completed the submission process earlier.

F. Review Outcomes

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

Outcome for Completed Reviews*	YTD Q3 2006	% of YTD Q3 2006 Total	YTD Q3 2007	% of YTD Q3 2007 Total
Confirm	6,253	70%	5,556	69%
Cancel	133	2%	84	1%
Vary	1,771	20%	1,799	22%
Return to Board	745	8%	665	8%
Total	8,902	100%	8,104	100%

*See appendix for definitions

G. Issue Outcomes

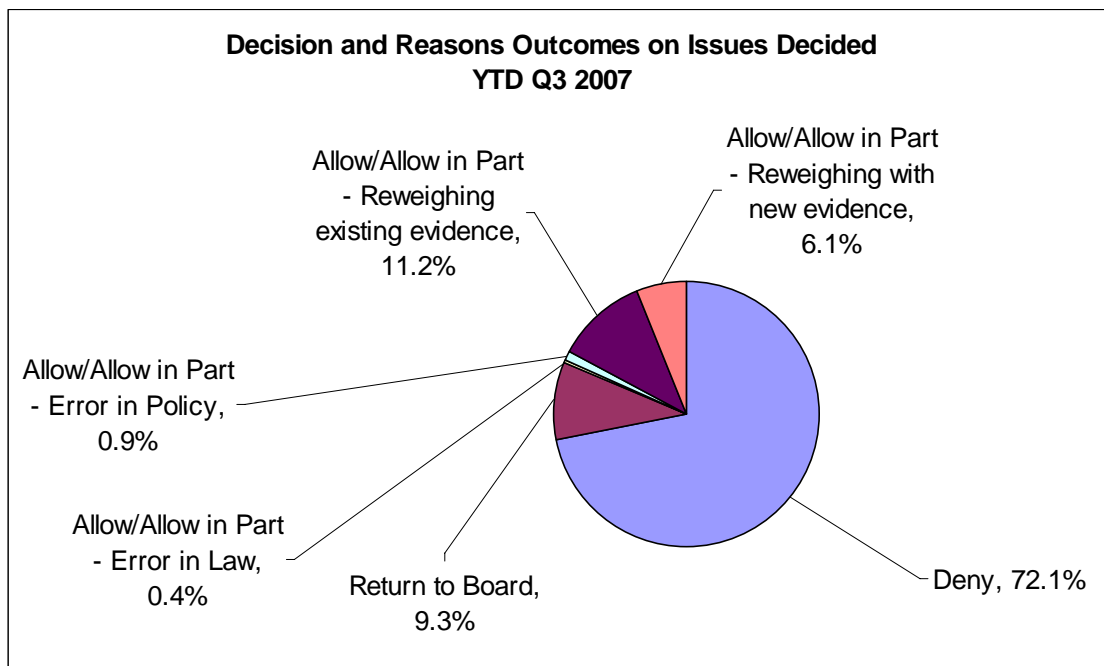
I. Overall Issue Outcomes

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:

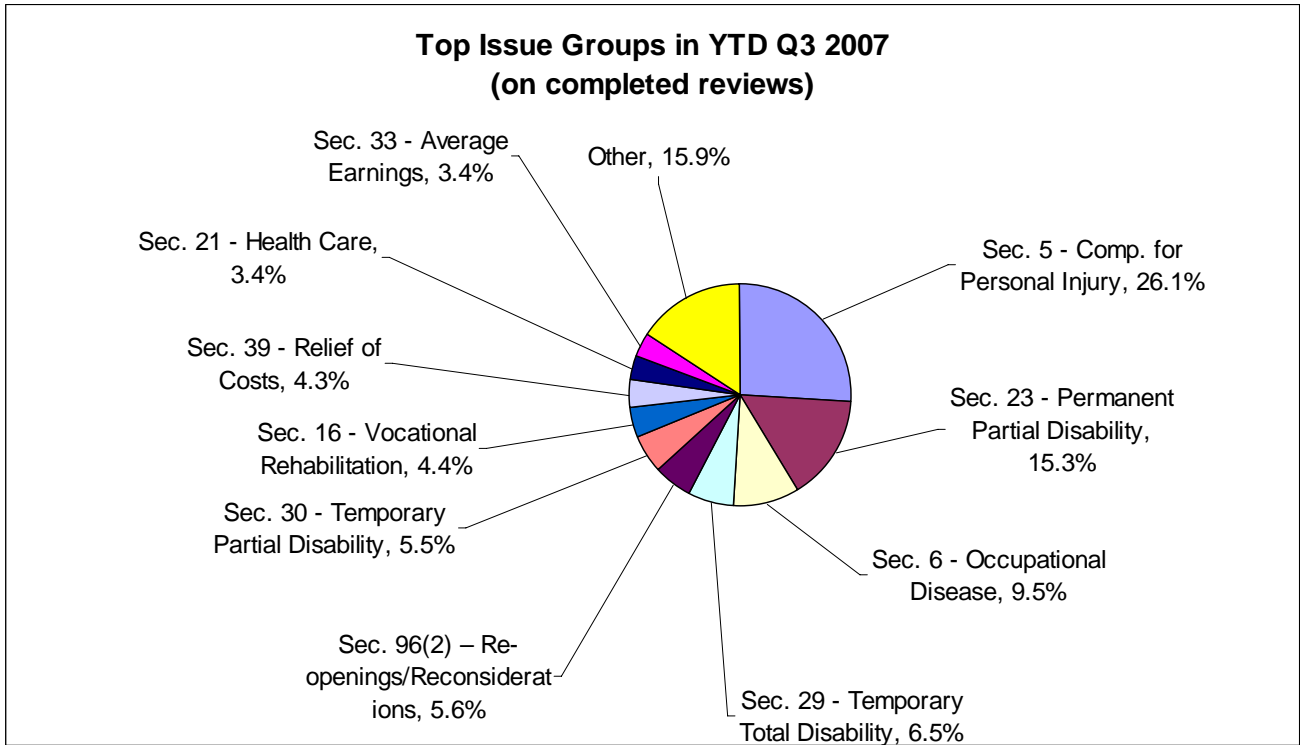
Outcome for Completed Issues*	YTD Q3 2006	% of YTD Q3 2006 Total	YTD Q3 2007	% of YTD Q3 2007 Total
Allow	1,405	12.8%	1,430	13.9%
Allow in Part	489	4.5%	485	4.7%
Deny	8,068	73.4%	7,418	72.1%
Return to Board	1,026	9.3%	958	9.3%
Total	10,988	100.0%	10,291	100.0%

*See appendix for definitions.

II. Outcome and Reasons for Issues Decided Year to Date



III. Top 10 Issues under Review



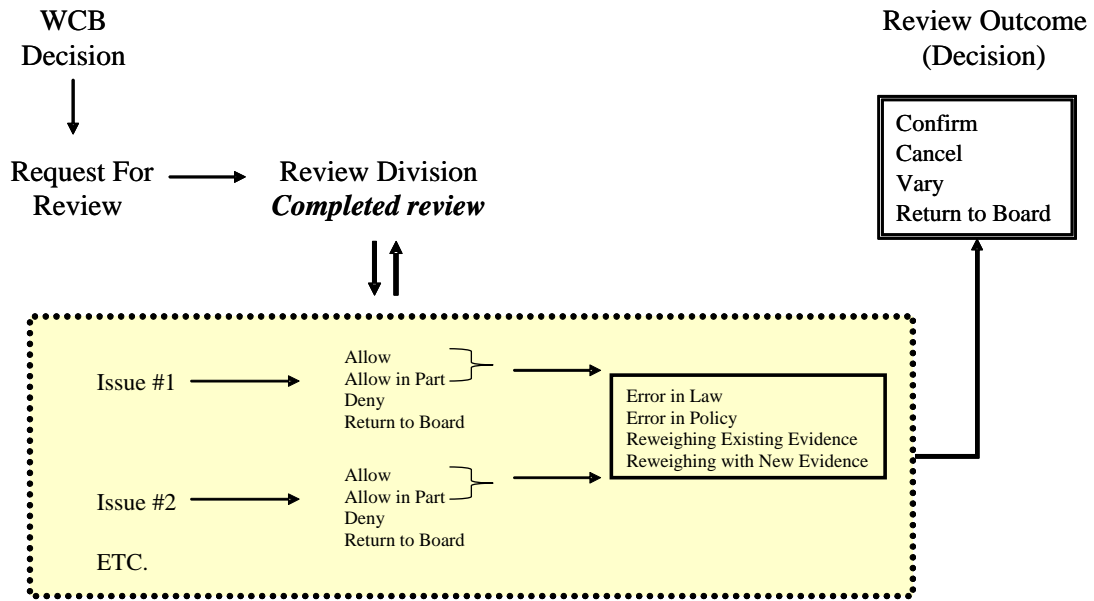
Issue Group	# of Issues in YTD Q3 2007	% of YTD Q3 2007 Total
Sec. 5 - Comp. for Personal Injury	2,685	26.1%
Sec. 23 - Permanent Partial Disability	1,576	15.3%
Sec. 6 - Occupational Disease	974	9.5%
Sec. 29 - Temporary Total Disability	672	6.5%
Sec. 96(2) - Re-openings/Reconsiderations	580	5.6%
Sec. 30 - Temporary Partial Disability	562	5.5%
Sec. 16 - Vocational Rehabilitation	457	4.4%
Sec. 39 - Relief of Costs	445	4.3%
Sec. 21 - Health Care	352	3.4%
Sec. 33 - Average Earnings	348	3.4%
Other	1,640	15.9%
Total	10,291	100.0%

Comments:

- Issues are summarized in issue groups which cover a specific topic or area of decision-making.
- 97% of review requests concern claim-related matters.
- The list of top 10 issue groups in Q3 2007 remains consistent with 2006 results.

H. Appendix

I) 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.