

# WORKSAFEBC

## REVIEW DIVISION

### Statistical Overview – 3rd Quarter 2008

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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 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.

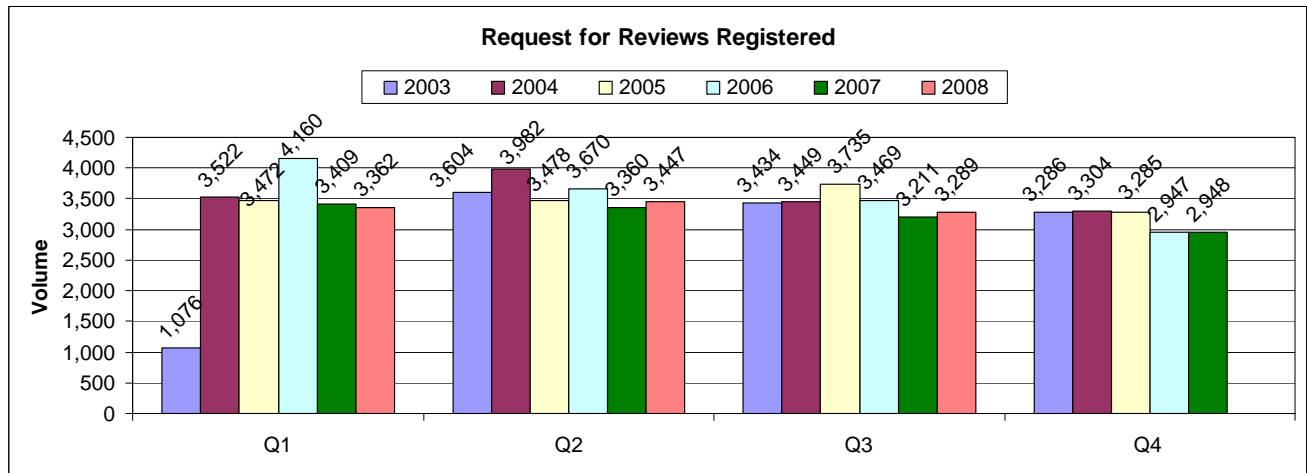
This report is intended primarily for readers who are already familiar with the WorkSafeBC decision-making environment and the Review and Appeal processes. Additional information about the Review Division can be found at:

[http://www.worksafebc.com/claims/review\\_and\\_appeals/review\\_division/default.asp](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 increased 2.4% from the same period last year but decreased 4.6% from the previous quarter.

## B. Processing Status of Requests for Reviews

Status		Q3 2007	Q3 2008
Outstanding Balance Beginning of Period		3,842	4,093
Registered During Period		3,211	3,289
Reactivated Reviews*		12	7
Less:	Rejected	41	39
	Declined	99	108
	Discarded	77	82
	Abandoned	3	3
	Withdrawn	449	413
	Completed	2,576	2,689
<b>Outstanding Balance end of Period</b>		<b>3,820</b>	<b>4,055</b>

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

### Comments:

- The "drop-off rate" of Requests for Review in Q3 2008 was 20%, up 1% from Q2 2008. The "drop off" is comprised as follows: 7% 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 13% reviews withdrawn before the review was completed. The percent of reviews withdrawn increased 2% from the previous quarter.

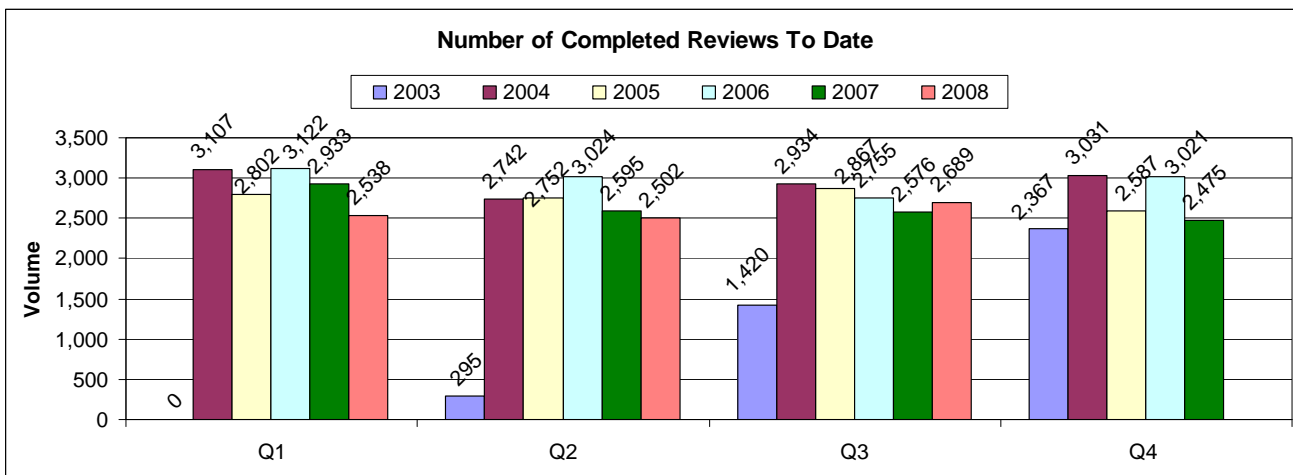
**C. Decision on Applications for Extensions of Time to Apply for a Review**

Decision	Q3 2007	YTD 2007	Q3 2008	YTD 2008
Allowed	118	342	73	308
Denied	61	193	47	222
<b>Total</b>	<b>179</b>	<b>535</b>	<b>120</b>	<b>530</b>

**Comments:**

- The number of “late review” requests (filed outside of the 90 days statutory deadline) in Q3 2008 was 33.0% lower than compared to Q3 2007.
- The percent “allowed” is higher this quarter than last quarter (61% this quarter vs 56% last quarter).

**D. Completed Reviews to Date**

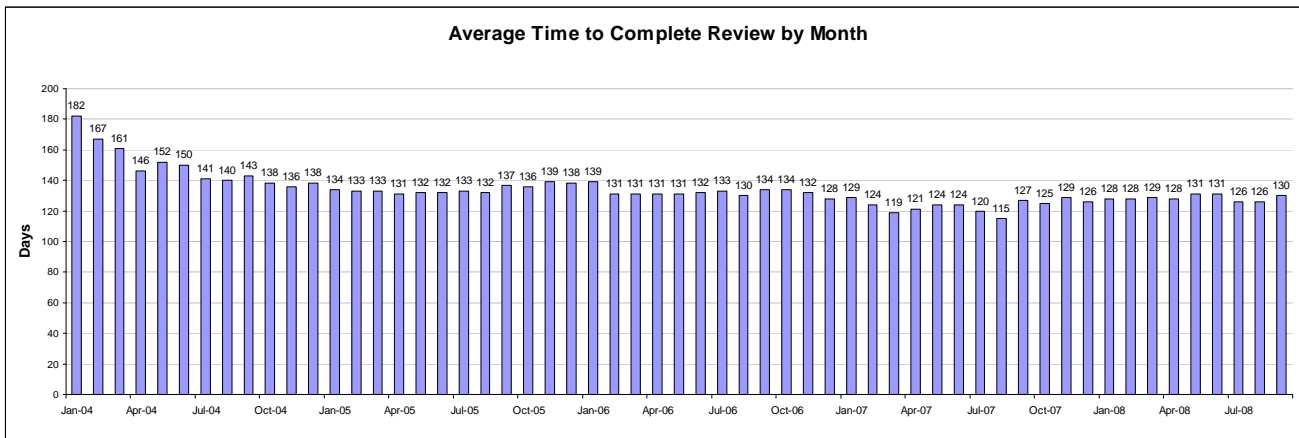


\* The review and appeals system change arising from Bill 63 did not come fully into effect until March 3, 2003.

**Comments:**

- The number of completed reviews in Q3 2008 increased by 4.4% compared to Q3 2007 and increased 7.5% from Q2 2008.

## 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 2007 was 124 days. In this quarter, the average time to complete a review has decreased slightly to 127 days from the previous quarter (130 days).

## 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 2007	% of YTD Q3 2007 Total	YTD Q3 2008	% of YTD Q3 2008 Total
Confirm	5,556	69%	5,016	65%
Cancel	84	1%	84	1%
Vary	1,799	22%	1,838	24%
Return to Board	665	8%	791	10%
<b>Total</b>	<b>8,104</b>	<b>100%</b>	<b>7,729</b>	<b>100%</b>

\*See appendix for definitions

## G. Issue Outcomes

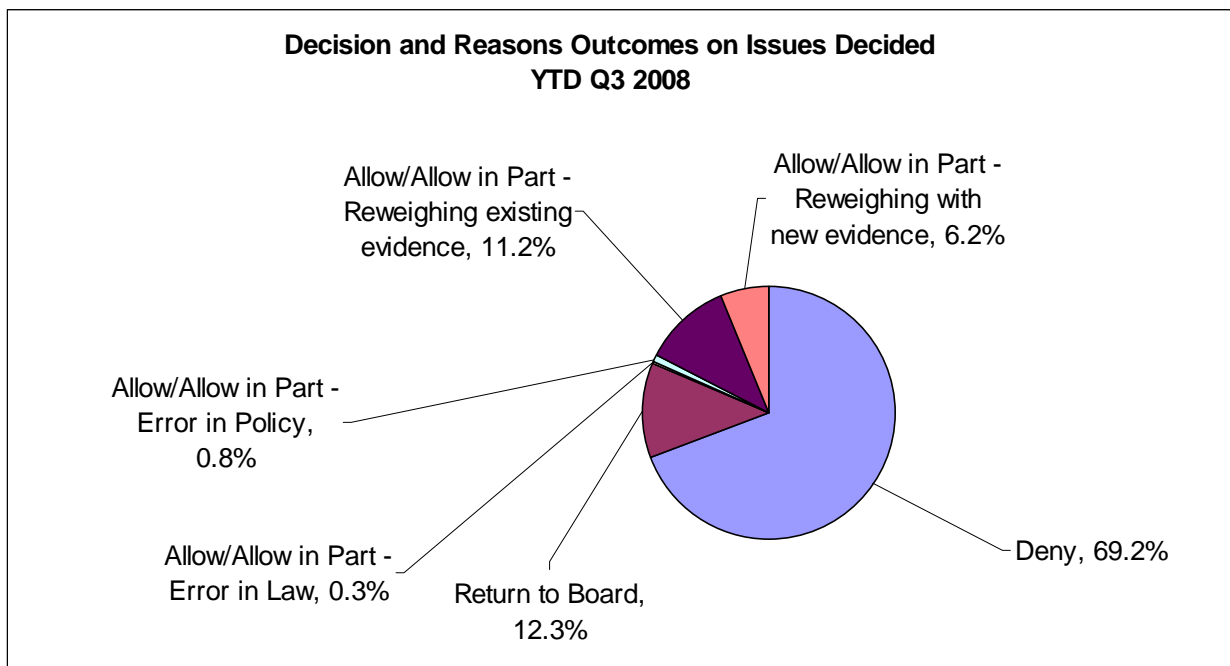
### I. Overall Issue Outcomes

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:

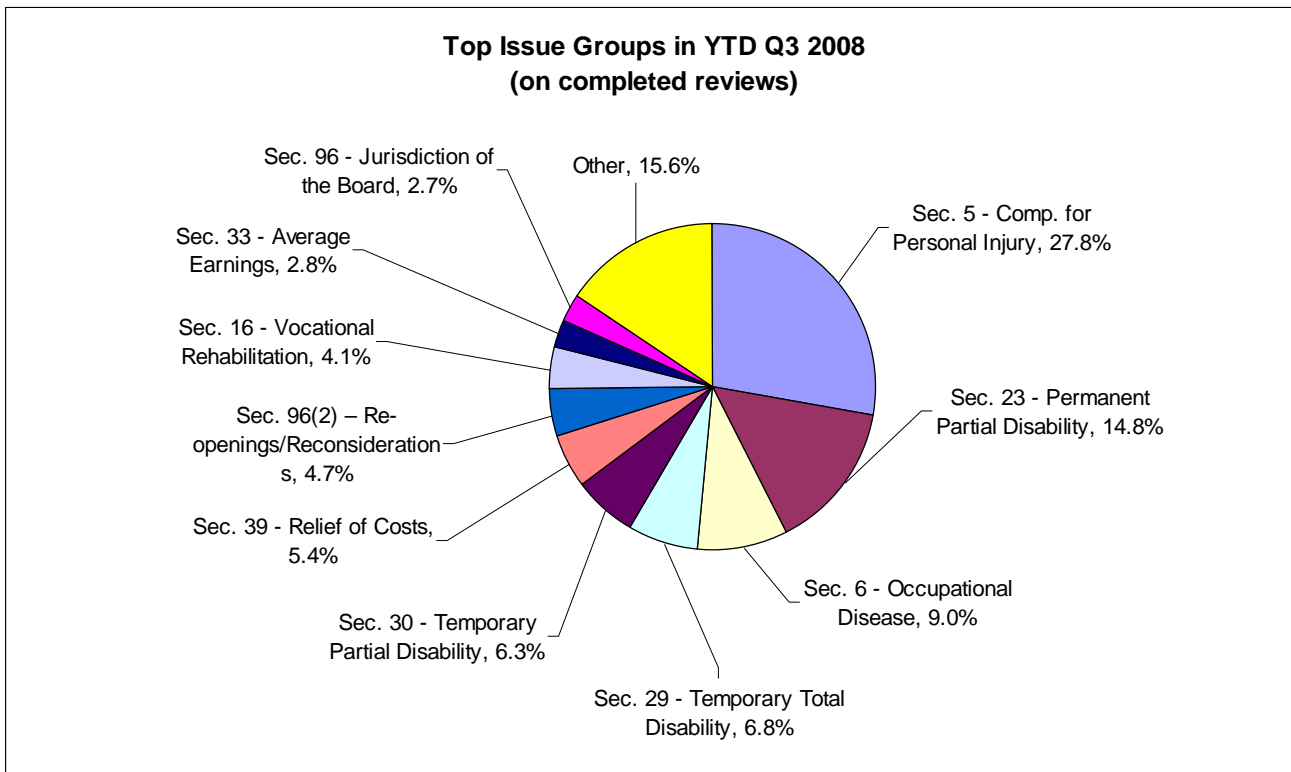
Outcome for Completed Issues*	YTD Q3 2007	% of YTD Q3 2007 Total	YTD Q3 2008	% of YTD Q3 2008 Total
Allow	1,430	13.9%	1,446	14.4%
Allow in Part	485	4.7%	409	4.1%
Deny	7,418	72.1%	6,947	69.2%
Return to Board	958	9.3%	1,232	12.3%
<b>Total</b>	<b>10,291</b>	<b>100.0%</b>	<b>10,034</b>	<b>100.0%</b>

\*See appendix for definitions.

### II. Outcome and Reasons for Issues Decided Year to Date



### III. Top 10 Issues under Review



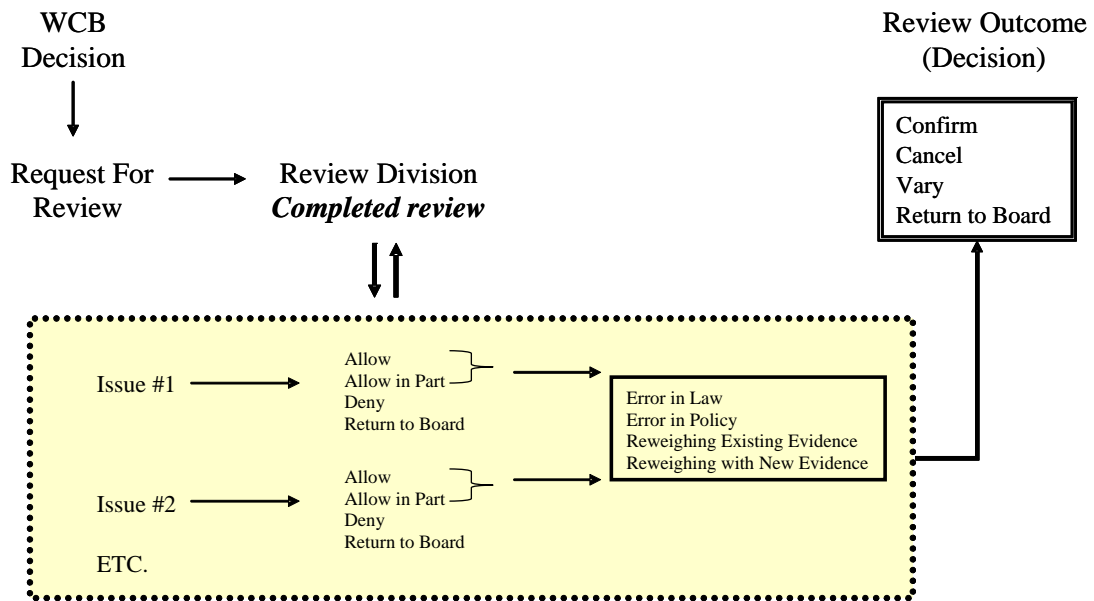
Issue Group	# of Issues in YTD Q3 2008	% of YTD Q3 2008 Total
Sec. 5 - Comp. for Personal Injury	2,787	27.8%
Sec. 23 - Permanent Partial Disability	1,482	14.8%
Sec. 6 - Occupational Disease	901	9.0%
Sec. 29 - Temporary Total Disability	681	6.8%
Sec. 30 - Temporary Partial Disability	632	6.3%
Sec. 39 - Relief of Costs	545	5.4%
Sec. 96(2) - Re-openings/Reconsiderations	470	4.7%
Sec. 16 - Vocational Rehabilitation	414	4.1%
Sec. 33 - Average Earnings	282	2.8%
Sec. 96 - Jurisdiction of the Board	275	2.7%
Other	1,565	15.6%
<b>Total</b>	<b>10,034</b>	<b>100.0%</b>

#### 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.
- Issue group *Sec. 33 – Average Earnings* is new this quarter on the list of top 10 issue groups. It has replaced *Sec. 57 – Suspension of Benefits* which has now fallen to number 12.

## 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:

<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>Reweighting 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>Reweighting 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>