

WORKER'S COMPENSATION BOARD OF BRITISH COLUMBIA

REVIEW DIVISION

Statistical Overview – 4th Quarter 2006

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'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

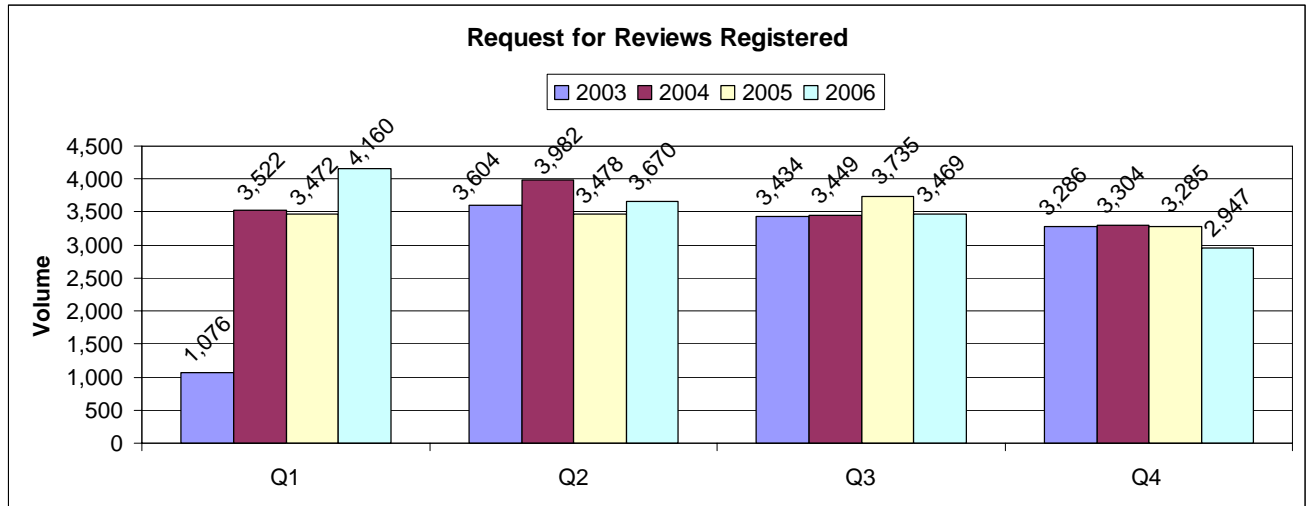
This statistical overview report will be issued at the end of each quarter. The report includes three sections:

- 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

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 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:

- The volume of new Requests for Review (RfRs) received was down by 3.3% in 2006 compared to 2005, primarily because of a significant drop in Q4 2006.

B. Processing Status of Requests for Reviews

Status		Q4 2005	Q4 2006
Outstanding Balance Beginning of Period		4,527	4,509
Registered During Period		3,285	2,947
Reactivated Reviews*		28	22
Less:	Rejected	63	43
	Declined	190	128
	Discarded	61	78
	Abandoned	5	6
	Withdrawn	476	330
	Completed	2,587	3,021
Outstanding Balance end of Period		4,458	3,872

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

Comments:

- The "drop-off rate" of Requests for Review in Q4 2006 was 20%, which was the same as the previous quarter. This was comprised of 9% Requests for Review rejected/declined/discarded/ abandoned (the primary reasons for rejection include late submission requests, no underlying decision to review, and requests outside of Review Division jurisdiction) and 11% reviews withdrawn before the review was completed.

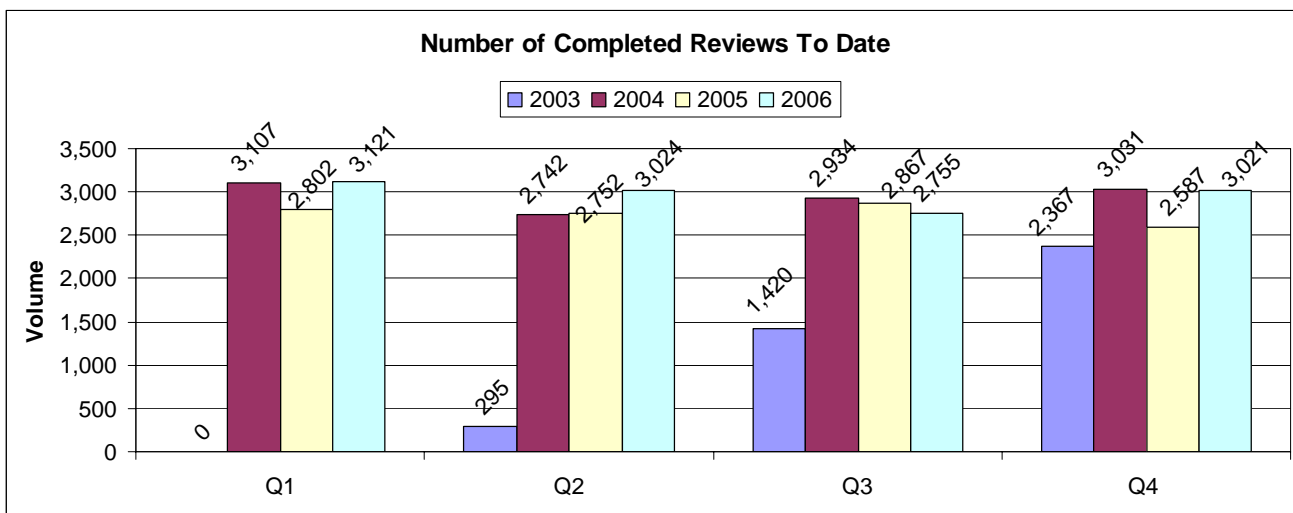
C. Decision on Applications for Extensions of Time to Apply for a Review

Decision	Q4 2005	2005	Q4 2006	2006
Allowed	93	393	103	398
Denied	135	500	100	402
Total	228	893	203	800

Comments:

- The number of “late review” requests (filed outside of the 90 days statutory deadline) in 2006 decreased by 10% compared to 2005. In Q4 2006, the number of late requests was 11% lower than Q4 2005.

D. Completed Reviews to Date

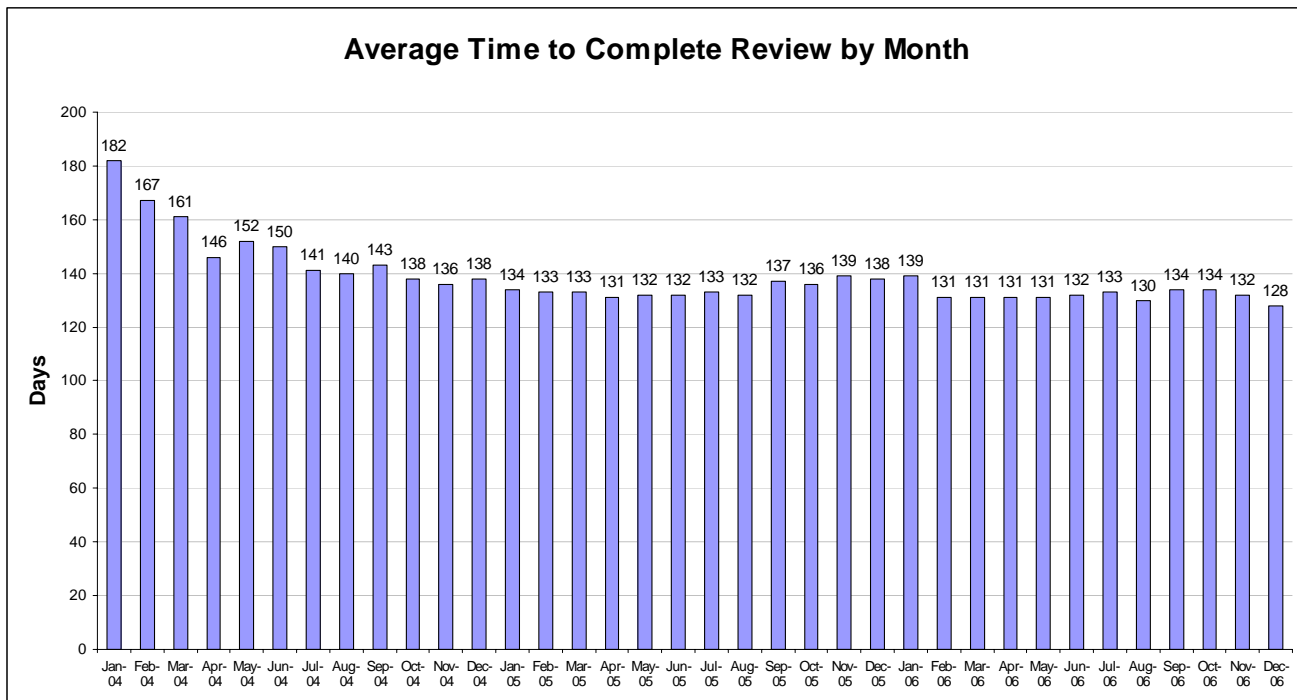


* The review and appeals system change arising from Bill 63 did not come fully into effect until March 3, 2003.

Comments:

- The number of completed reviews in Q4 2006 increased by 17% higher than Q4 2005. As well, the total number of completed reviews in 2006 was 11,927, which was the highest yearly total since the Review Division began in 2003.

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 2005 was 134 days. The 2006 average time to complete a review was 132 days.

F. 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 was coded to each completed review:

Outcome for Completed Reviews*	Quarter 4, 2006	% of Q4 Total	2006	% of 2006 Total
Confirm	2,111	70%	8,363	70%
Cancel	32	2%	165	1%
Vary	643	21%	2,413	21%
Return to Board	235	8%	985	8%
Total	3,021	100%	11,296	100%

*See appendix for definitions

G. Issue Outcomes

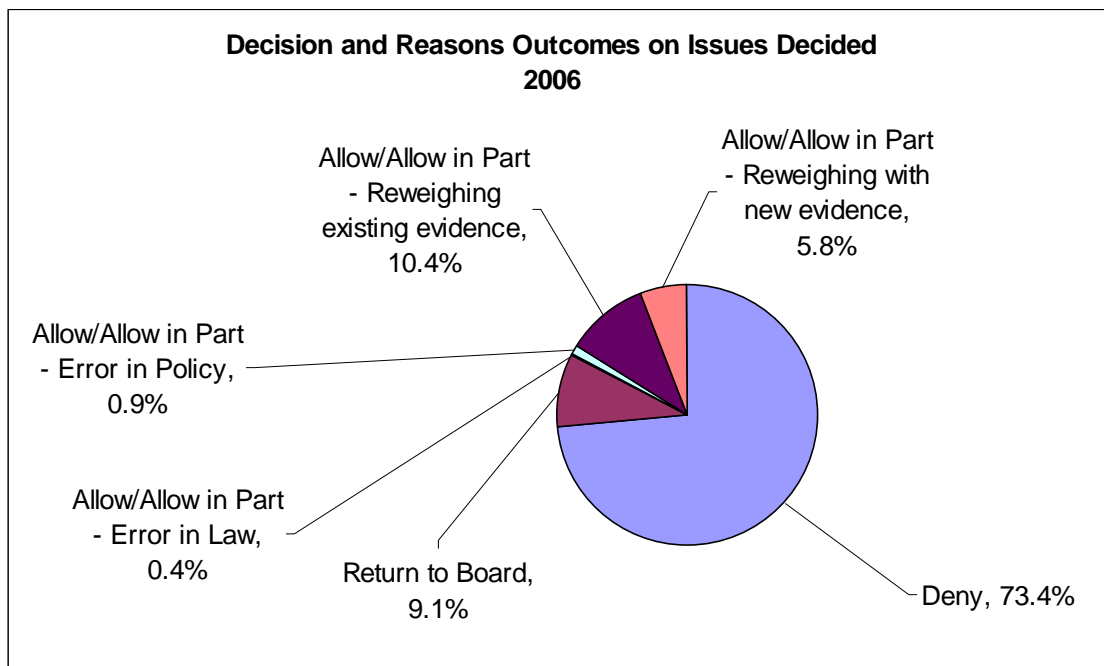
I. Overall Issue Outcomes

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:

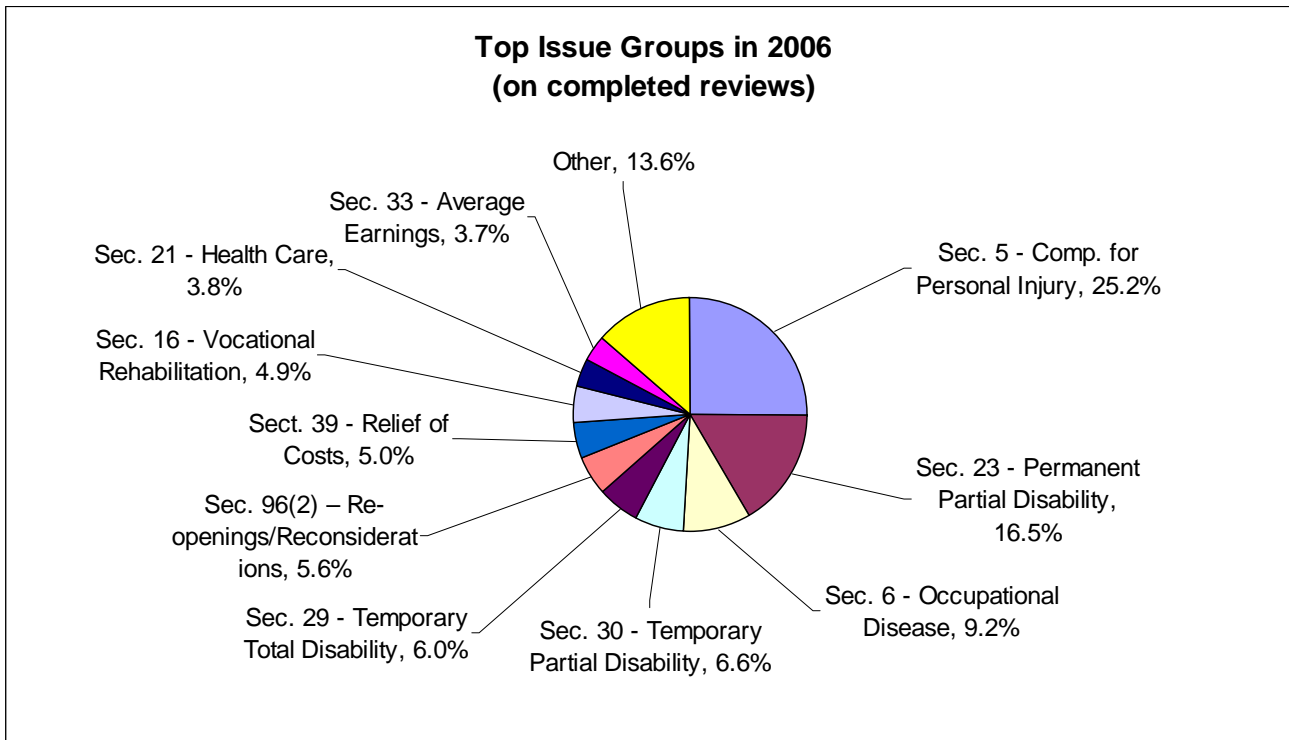
Outcome for Completed Issues*	Quarter 4, 2006	% of Q4 Total	2006	2006 %
Allow	535	14.0%	1,938	13.1%
Allow in Part	166	4.4%	655	4.4%
Deny	2790	73.2%	10,857	73.4%
Return to Board	321	8.4%	1,352	9.1%
Total	3,812	100%	14,802	100%

*See appendix for definitions.

II. Outcome and Reasons for Issues Decided Year to Date



III. Most Common Issues under Review



Issue Group	# of Issues in 2006	% of 2006 Total
Sec. 5 - Comp. for Personal Injury	3,728	25.2%
Sec. 23 - Permanent Partial Disability	2,436	16.5%
Sec. 6 - Occupational Disease	1,363	9.2%
Sec. 30 - Temporary Partial Disability	970	6.6%
Sec. 29 - Temporary Total Disability	886	6.0%
Sec. 96(2) - Re-openings/Reconsiderations	833	5.6%
Sect. 39 - Relief of Costs	737	5.0%
Sec. 16 - Vocational Rehabilitation	725	4.9%
Sec. 21 - Health Care	557	3.8%
Sec. 33 - Average Earnings	553	3.7%
Other	2,014	13.6%
Total	14,802	100.0%

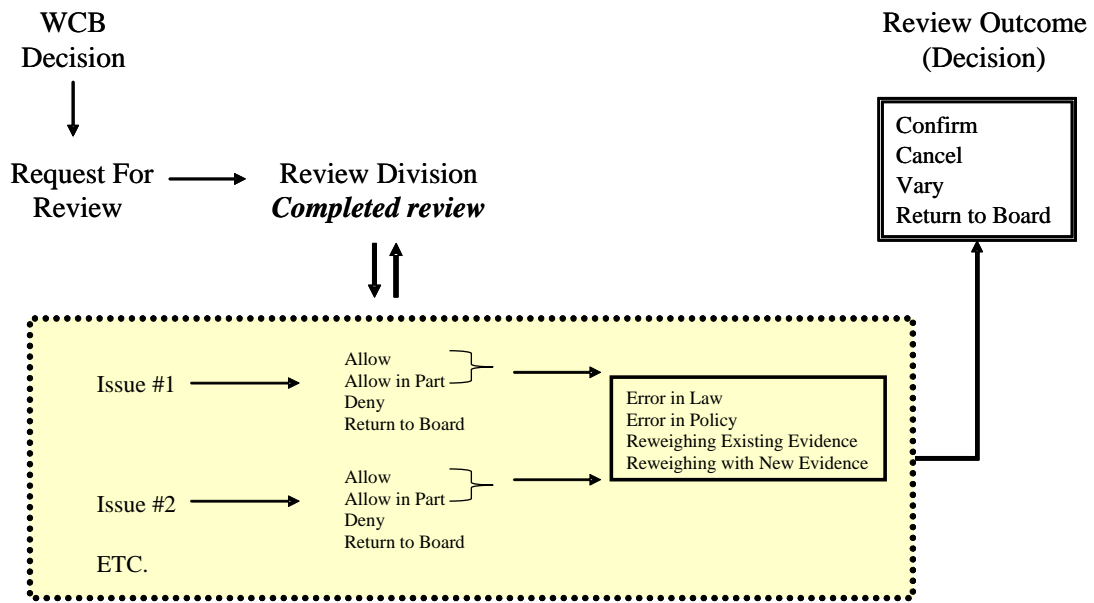
Note: "Other" includes issue groups with year to date issues coded to it < 3.7%.

Comments:

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

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.
Reweighting 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.
Reweighting 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.