

Practice Directive Number 1-96-1 (B)

Suggested Format for Submissions

Effective 1 May 2004

Practice

In order to ensure the effective and efficient exercise of administrative justice, the Assessment Department should fully have and appreciate the issues in dispute, and the facts, reasoned argument, and authorities that aid in adjudicating those issues.

The Assessment Department suggests that a party seeking reconsideration of a decision organize its submissions in the format outlined in Schedule A below. It is believed that the use of the suggested format, in whole or in part, will help a party organize and present its position in a thorough yet succinct manner by facilitating a focus on the facts and the applicable tests and, therefore, on the evidence properly required to address the matters relevant to reconsideration. However, **the use of the suggested format is optional**, and a party is free to present the issues in dispute, and the facts, reasoned argument, and authorities that aid in adjudicating those issues in the manner that will best advance its position.

SCHEDULE "A"

<p>This template is a suggested format, and any use of directive language in this template should be interpreted as being mere suggestion.</p>
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<p>It is recommended that a submission contain the information featured below, in the order listed.</p>

SUBMISSION OF PARTY SEEKING RECONSIDERATION

Name of Party:

Party's WCB account number:

Date of decision under reconsideration:

Name of initial decision maker:

Name of Party's representative, if any:

Address of Party or, if the Party is represented, name and address of the Party's representative:

1. CHRONOLOGY OF THE RELEVANT DATES IN THE ISSUE

This part of the submission should consist of a single chronological list of the relevant dates for all issues under reconsideration, with a reference to any applicable appendix for each such date.

2. OPENING STATEMENT

The opening statement should:

- a. concisely state the nature of the reconsideration, and
- b. state which of the following 'grounds for reconsideration' under *Assessment Policy 1-96-1(e)* or *(f)* is applicable:
 - (i) there is new evidence indicating that the prior decision was made in error;
 - (ii) there has been a mistake of evidence, such as:
 - material evidence was overlooked, or
 - facts were mistakenly taken as established which were not supported by any evidence or by any reasonable inference from the evidence;
 - (iii) there has been a policy error such as:
 - applying an applicable policy incorrectly, or
 - not applying an applicable policy;
 - (iv) there has been a clear error of law, such as a failure by the Board to follow the express terms of the *Act*; or
 - (v) a reason for reducing or canceling a penalty under *Assessment Policy 1-47-1*.

3. STATEMENT OF FACTS

This part should consist of a concise history of the events and a clear, accurate, and complete statement of the facts of the case.

If applicable, the source relied on for a statement of fact (e.g., notice or correspondence, audit report, decision letter) should be identified and a photocopy of the source material attached as an appendix to the submission.

4. ERRORS IN DECISION OR ISSUES ON RECONSIDERATION

This part should provide a brief explanation of why the decision should be reconsidered; and, particularly, in what respect the decision to be reconsidered is alleged to be in error.

5. ARGUMENT

This part should outline the argument and include the facts and relevant law, policy, or practice and should refer to any applicable appendix.

6. NATURE OF REMEDY SOUGHT

This part should briefly describe the nature of the decision or remedy sought on each issue.

7. APPENDICES

8. LIST OF AUTHORITIES

Any relevant law, policy, or practice referred to in the submission should be listed in alphabetical order, and the page or paragraph in the submission at which the authority is referred to may be cited.