

WORKSAFEBC

REVIEW DIVISION

Statistical Overview – 4th Quarter 2010

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:

- Clients with an opportunity to present their case.
- Decision-makers and participants with opportunities to understand and resolve disagreements.
- Clear, fair and consistent decisions.
- Information and feedback 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.

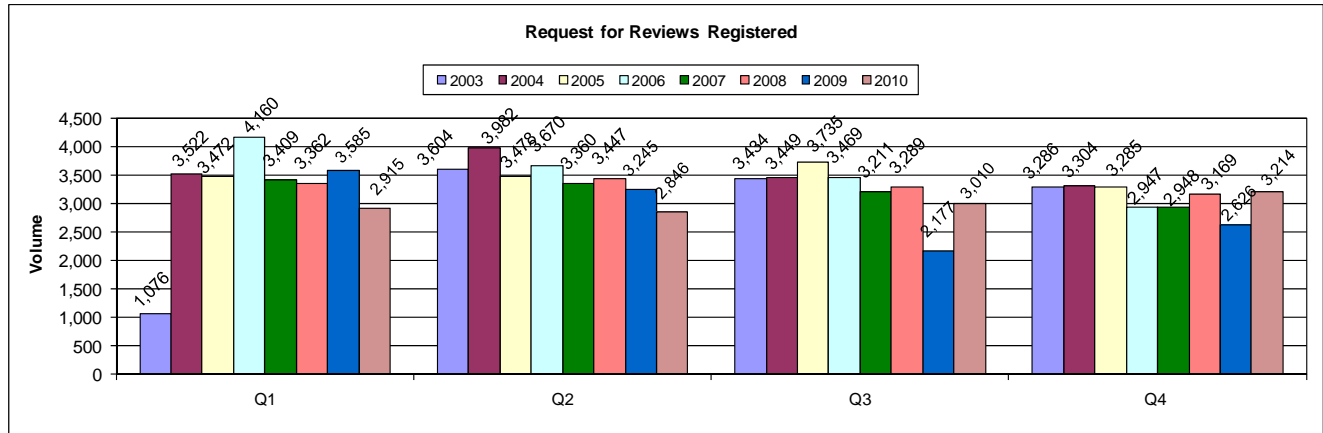
This report is intended primarily for readers who are already familiar with the WorkSafeBC decision-making environment and the Review and Appeal processes. Additional information about the Review Division can be found at:

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. It is estimated that reviews are requested on only a very small percentage of decisions made by the Board each year.



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

Comments:

- In quarter 4, incoming volume increased significantly 22.4% from the same period last year and increased 6.8% from the previous quarter. This increase can be attributed to claims decisions volume returning to normal levels after implementation of a new claims processes and systems in 2009. 2010 volumes are more accurately compared to 2007 and 2008.

B. Processing Status of Requests for Reviews

Status	Q4 2009	Q4 2010
Outstanding Balance Beginning of Period	3,060	3,407
Registered During Period	2,626	3,214
Reactivated Reviews*	7	7
Less:		
Rejected	37	33
Declined	89	136
Discarded	75	75
Abandoned	6	4
Withdrawn	265	447
Completed	2,331	2,115
Outstanding Balance end of Period	2,890	3,818

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

Comments:

- The "drop-off rate" of Requests for Review in Q4 2010 was 21.6%, an increase of 2.2% from Q3 2010. The "drop off" is comprised as follows: 7.7% rejected/declined/discarded/abandoned (the primary reasons for rejection are late filing, no underlying decision to review, and requests outside of Review Division jurisdiction) and 13.9% reviews withdrawn before the review was completed. The percent of reviews withdrawn increased 1.3% from the previous quarter.

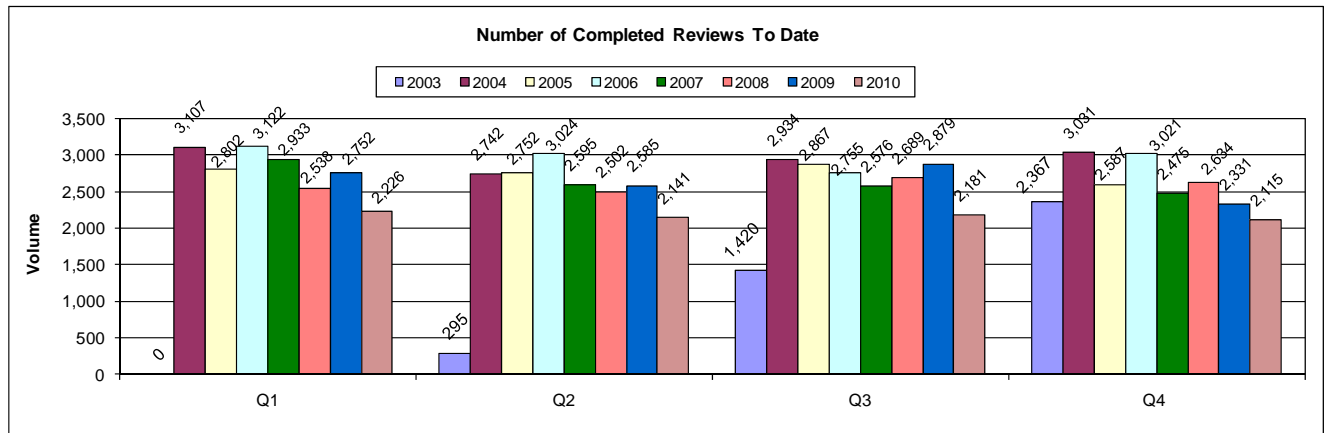
C. Decision on Applications for Extensions of Time to Apply for a Review

Decision	Q4 2009	2009	Q4 2010	2010
Allowed	65	311	65	299
Denied	40	301	82	254
Total	105	612	147	553

Comments:

- The number of “late review” requests (filed outside of the 90 days statutory deadline) in Q4 2010 was 40% higher than compared to Q4 2009. See section A comments for an explanation.
- The total number of “allowed” extension requests in 2010 was slightly higher than in 2009 (54.1% vs 50.8%)

D. Completed Reviews to Date

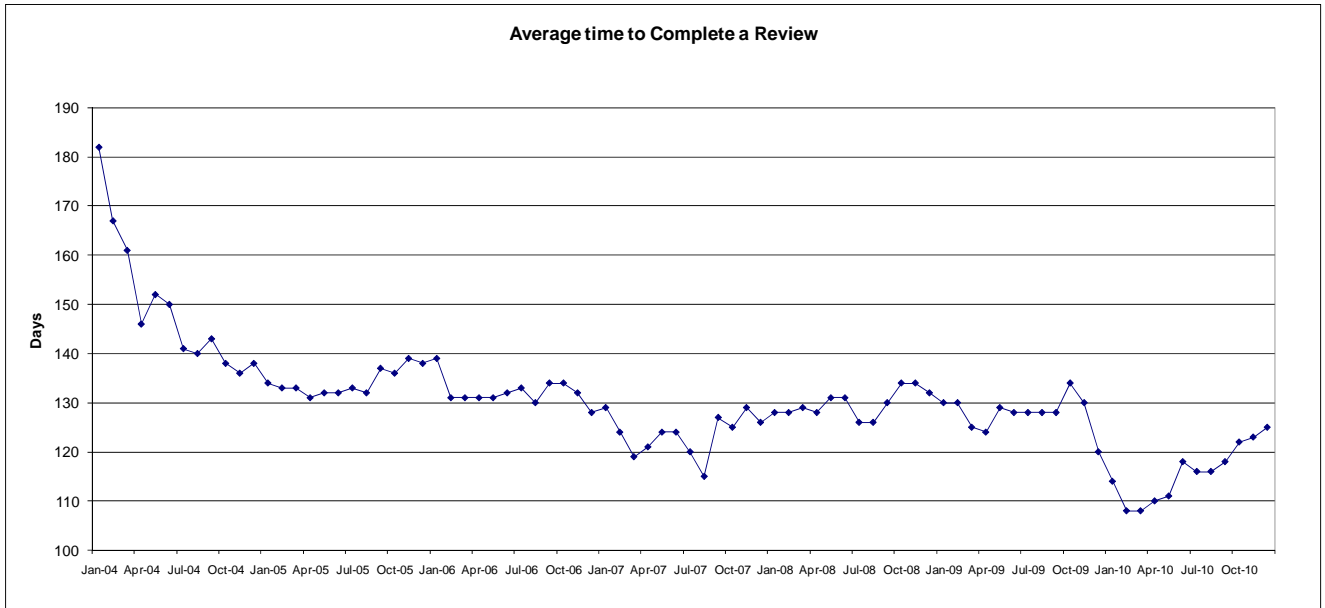


* The review and appeals system change arising from Bill 63 did not come fully into effect until March 3, 2003.

Comments:

The number of completed reviews in Q4 2010 decreased by 9.3% compared to Q4 2009. This drop relates to fewer decisions due in the early months of 2010 and a corresponding temporary reduction in staff, along with increased client contact and support directed to “fragile” and unrepresented clients.

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 Q4 2010 was 124 days (versus 128 days in Q4 2009). In 2010 the average time to complete a review was significantly lower, primarily as a result of the previously mentioned volume drop.

E. 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 Q4 2009	% of YTD Q4 2009 Total	YTD Q4 2010	% of YTD Q4 2010 Total
Confirm	6,854	65%	5,446	63%
Cancel	103	1%	95	1%
Vary	2,634	25%	2,326	27%
Return to Board	958	9%	796	9%
Total	10,549	100%	8,663	100%

*See appendix for definitions.

F. Issue Outcomes

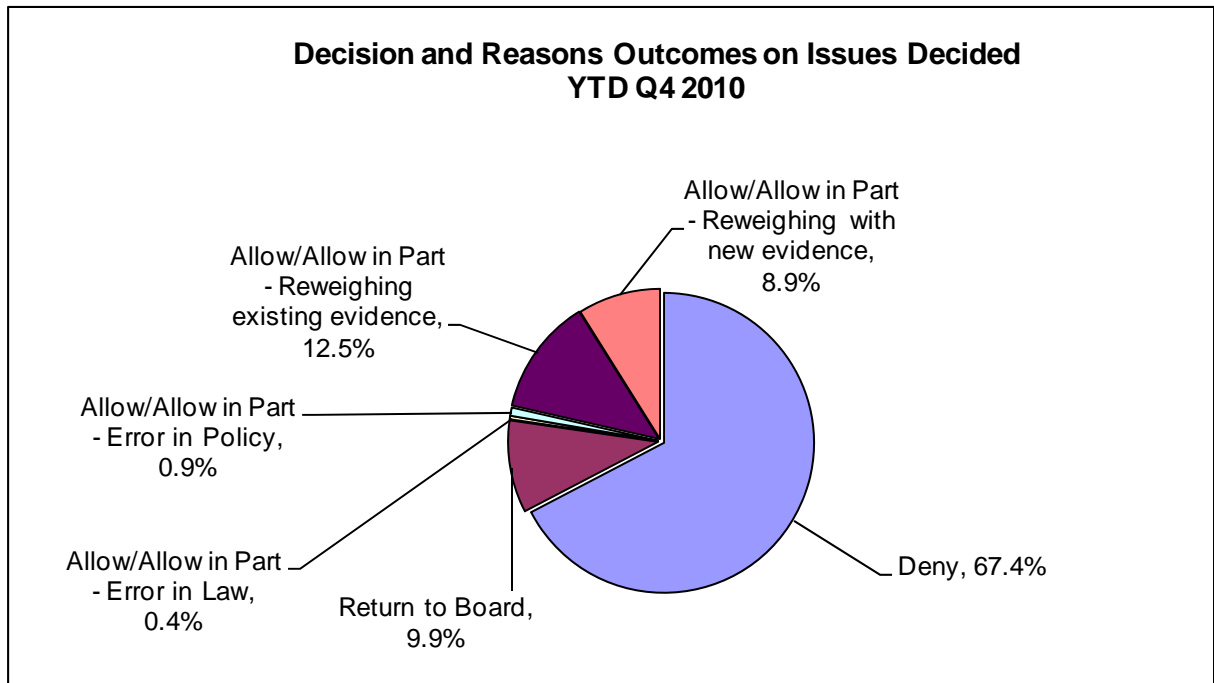
I. Overall Issue Outcomes

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:

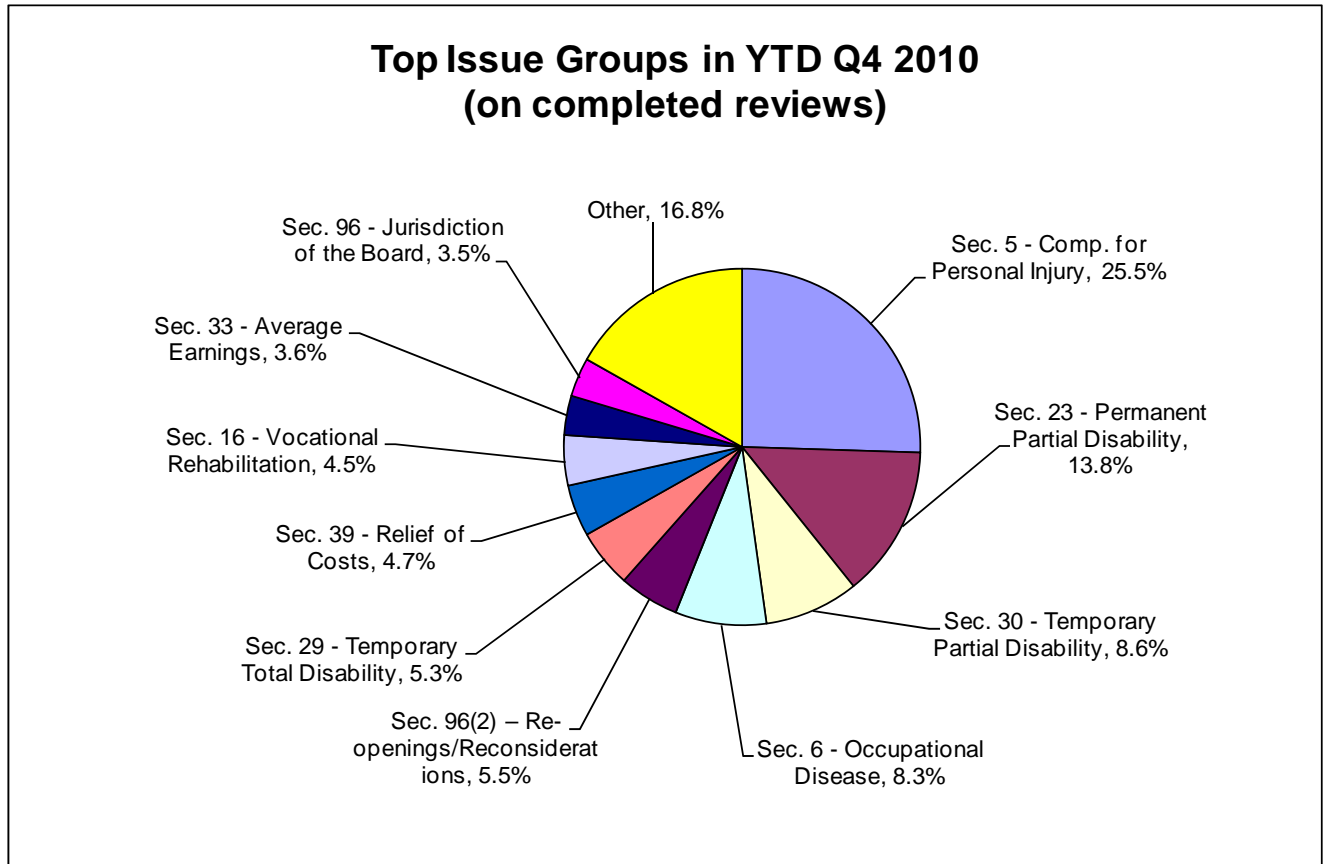
Outcome for Completed Issues*	YTD Q4 2009	% of YTD Q4 2009 Total	YTD Q4 2010	% of YTD Q4 2010 Total
Allow	2,300	17.2%	2,073	19.0%
Allow in Part	533	4.0%	404	3.7%
Deny	9,211	68.8%	7,348	67.4%
Return to Board	1,348	10.1%	1,085	9.9%
Total	13,392	100.0%	10,910	100.0%

*See appendix for definitions.

II. Outcome and Reasons for Issues Decided Year to Date



III. Top 10 Issues under Review



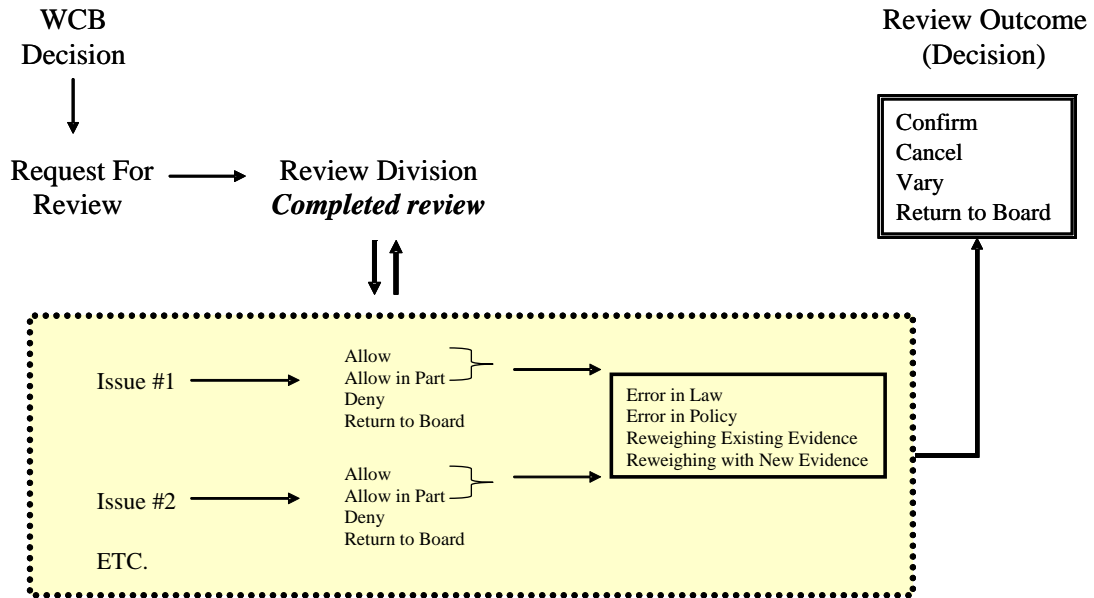
Issue Group	# of Issues in YTD Q4 2010	% of YTD Q4 2010 Total
Sec. 5 - Comp. for Personal Injury	2,782	25.5%
Sec. 23 - Permanent Partial Disability	1,501	13.8%
Sec. 30 - Temporary Partial Disability	933	8.6%
Sec. 6 - Occupational Disease	902	8.3%
Sec. 96(2) - Re-openings/Reconsiderations	596	5.5%
Sec. 29 - Temporary Total Disability	576	5.3%
Sec. 39 - Relief of Costs	513	4.7%
Sec. 16 - Vocational Rehabilitation	496	4.5%
Sec. 33 - Average Earnings	390	3.6%
Sec. 96 - Jurisdiction of the Board	385	3.5%
Other	1,836	16.8%
Total	10,910	100%

Comments:

- Issues are summarized in issue groups which cover a specific topic or area of decision-making.
- 96.7% of review requests for 2010 concern claim-related matters.

G. 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:

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.