

WORKSAFEBC

REVIEW DIVISION

Statistical Overview – 4th Quarter 2011

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:

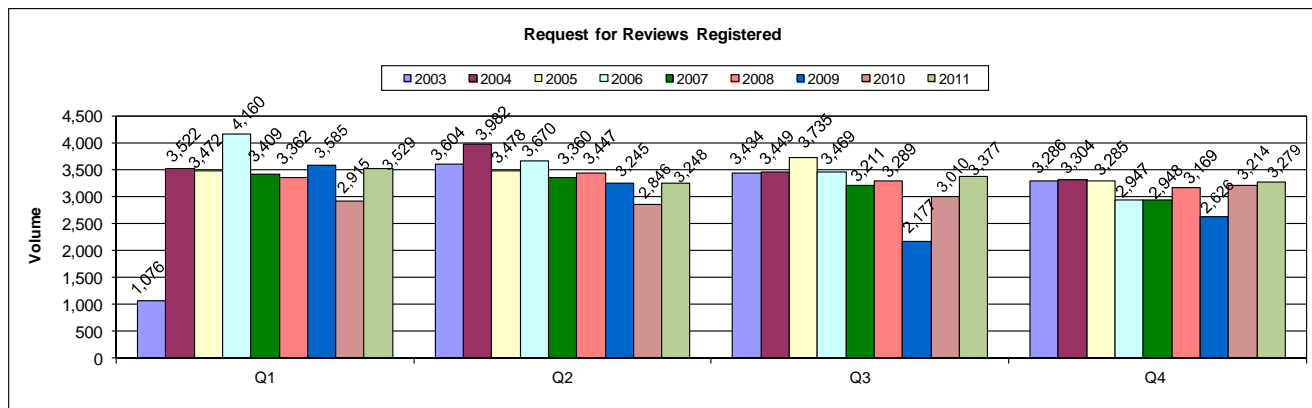
- A. Incoming Requests for Review – Information about the volume of requests for review received by the Review Division
- B. Completed Reviews – Information about the volume and outcome of completed reviews
- C. Completed Issues – Information about the volume and outcome of issues decided in completed 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 2.0% from the same period last year and decreased 2.9% from the previous quarter.

B. Processing Status of Requests for Reviews

Status	Q4 2010	Q4 2011
Outstanding Balance Beginning of Period	3,407	3,278
Registered During Period	3,214	3,279
Reactivated Reviews*	7	21
Less:		
Rejected	33	45
Declined	136	148
Discarded	75	95
Abandoned	4	17
Withdrawn	447	418
Completed	2,115	2,462
Outstanding Balance end of Period	3,818	3,393

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

Comments:

- The "drop-off rate" of Requests for Review in Q4 2011 was 22.0%, a decrease of 2.9% from Q3 2011 (24.9%). The "drop off" is comprised as follows: 9.3% 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 12.7% reviews withdrawn before the review was completed. The percent of reviews withdrawn decreased 1.7% from the previous quarter while the rest of the "drop-offs" increased 1.2% from the previous quarter.

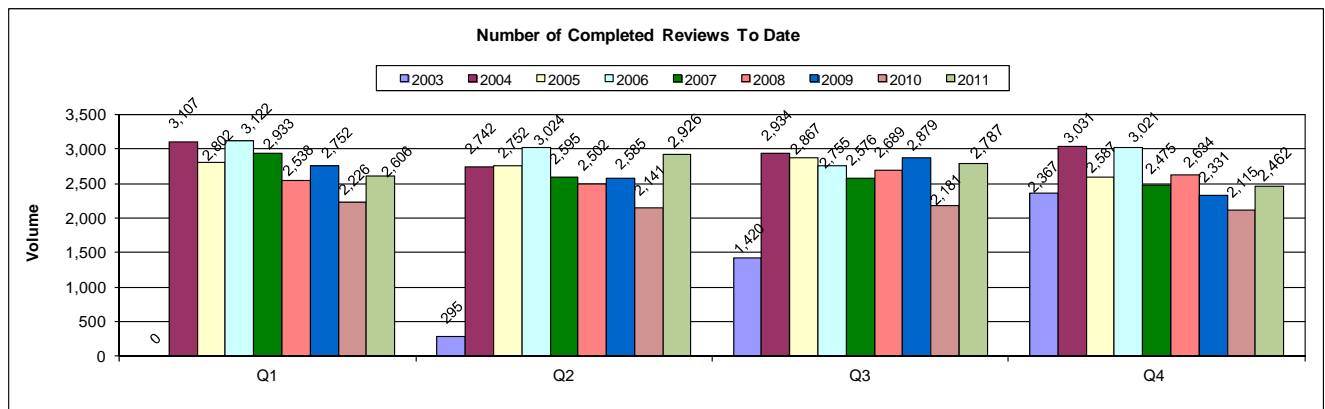
C. Decision on Applications for Extensions of Time to Apply for a Review

Decision	Q4 2010	YTD 2010	Q4 2011	YTD 2011
Allowed	65	299	98	363
Denied	82	254	107	352
Total	127	553	205	715

Comments:

- The number of “late review” requests (filed outside of the 90 days statutory deadline) in Q4 2011 was 61.4% higher than compared to Q4 2010.
- The total number of “allowed” extension requests YTD 2011 was higher than in 2010 (50.8% vs 54.1%)

D. Completed Reviews to Date

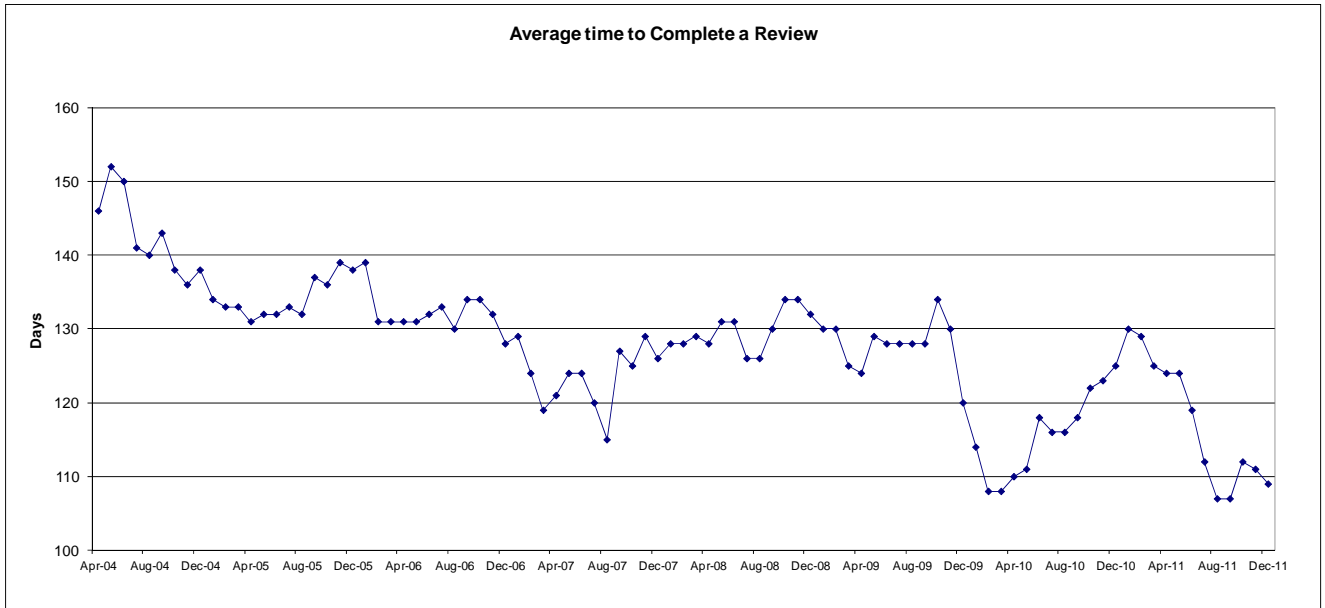


* The review and appeals system change arising from Bill 63 did not come fully into effect until March 3, 2003.

Comments:

The number of completed reviews in Q4 2011 decreased by 11.7% compared to Q3 2011. Although this is 14.9% more than the number completed at the same time last year. Again, the increase in the number completed compared to the same time last year is the result of the efforts of the Review Officers and other Divisional staff to increase decision output.

Average Time to Complete a Review



Comments:

- The average number of days to complete a review in Q4 2011 was 111 days (versus 124 days in Q4 2010).

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 2010	% of YTD Q4 2010 Total	YTD Q4 2011	% of YTD Q4 2011 Total
Confirm	5,446	63%	6,701	62%
Cancel	95	1%	92	1%
Vary	2,326	27%	2,755	26%
Return to Board	796	9%	1,233	11%
Total	8,663	100%	10,781	100%

*See appendix for definitions.

F. Issue Outcomes

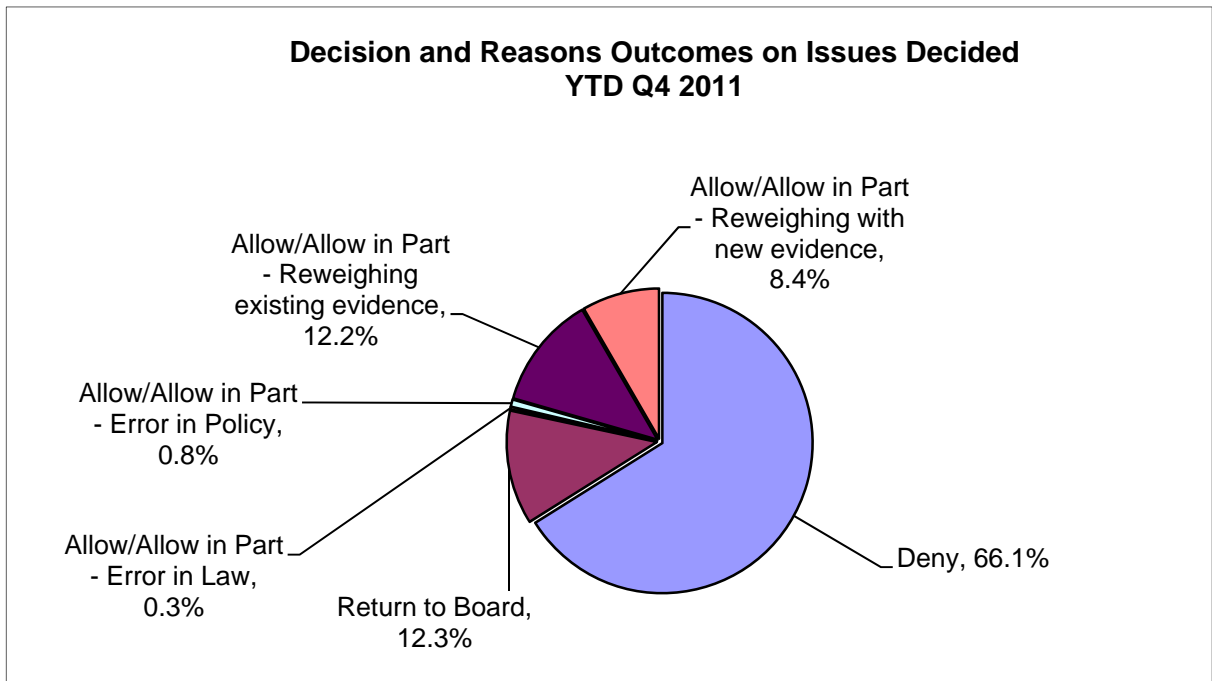
I. Overall Issue Outcomes

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:

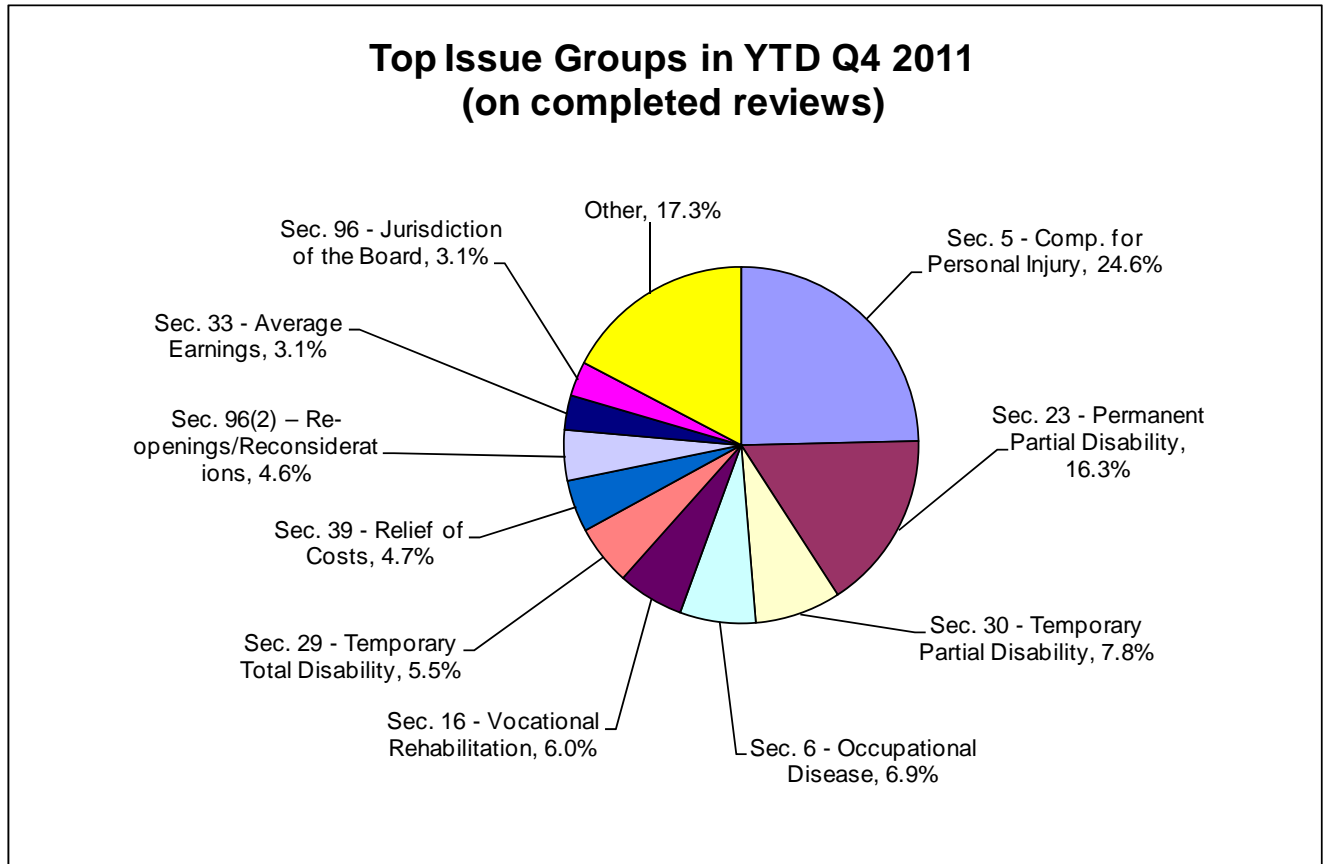
Outcome for Completed Issues*	YTD Q4 2010	% of YTD Q4 2010 Total	YTD Q4 2011	% of YTD Q4 2011 Total
Allow	2,073	19.0%	2,382	17.6%
Allow in Part	404	3.7%	552	4.1%
Deny	7,348	67.4%	8,967	66.1%
Return to Board	1,085	9.9%	1,668	12.3%
Total	10,910	100.0%	13,569	100.0%

*See appendix for definitions.

II. Outcome and Reasons for Issues Decided Year to Date



III. Top 10 Issues under Review



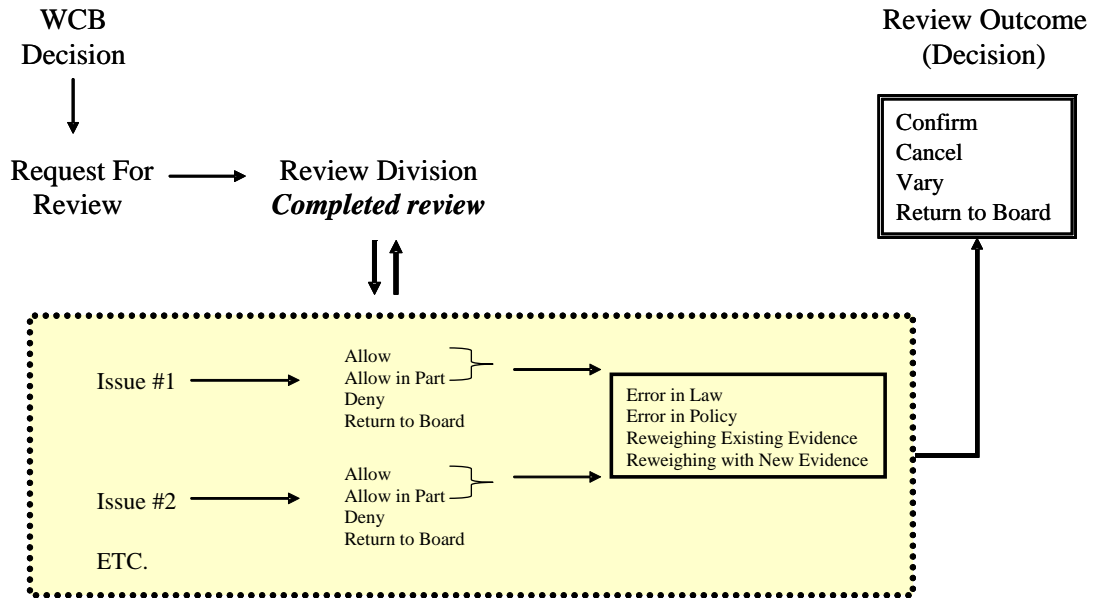
Issue Group	# of Issues in YTD Q4 2011	% of YTD Q4 2011 Total
Sec. 5 - Comp. for Personal Injury	3,342	24.6%
Sec. 23 - Permanent Partial Disability	2,205	16.3%
Sec. 30 - Temporary Partial Disability	1,060	7.8%
Sec. 6 - Occupational Disease	933	6.9%
Sec. 16 - Vocational Rehabilitation	815	6.0%
Sec. 29 - Temporary Total Disability	740	5.5%
Sec. 39 - Relief of Costs	644	4.7%
Sec. 96(2) – Re-openings/Reconsiderations	627	4.6%
Sec. 33 - Average Earnings	427	3.1%
Sec. 96 – Jurisdiction of the Board	426	3.1%
Other	2,350	17.3%
Total	13,569	100.0%

Comments:

- Issues are summarized in issue groups which cover a specific topic or area of decision-making.
- 96.9% of review requests for YTD Q4 2011 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.