

## Decision of the Appeal Division

**Number:** 20  
**Date:** November 29, 1996 (amended January 17, 1997)  
**Panel:** Maureen S. Nicholls  
**Subject:** Delegation by the Chief Appeal Commissioner

---

1. Section 85(8) of the *Workers Compensation Act* provides:

*The chief appeal commissioner may delegate in writing any of his powers and duties to an appeal commissioner subject to any terms and conditions set out in the delegation.*

2. I hereby delegate the following powers and duties to the appeal commissioner appointed by me, from time to time, to serve as deputy chief appeal commissioner. Subject to paragraph 13 in this delegation, this delegation replaces those contained in Appeal Division Decisions No. 17 (1 August 1996) and No. 18 (31 October 1996). I retain the powers and duties delegated by me to the deputy chief appeal commissioner and will exercise these concurrently with the deputy chief appeal commissioner, except in the event of my determining that I am or would be exposed to a possible or actual conflict of interest or appearance of bias with respect to a given case. In these latter instances, I delegate all necessary powers to the deputy chief appeal commissioner to act in my place. I also delegate to the deputy chief appeal commissioner the power to act in my absence.
3. The following powers are delegated to the deputy chief appeal commissioner:
  - a. under Section 85.2, the power to establish one or more panels of the Appeal Division, to refer a matter that is before the Appeal Division to a panel or a matter that is before a panel to the Appeal Division or another panel, to terminate a designation to a panel, or to fill any vacancy on a panel;
  - b. under Section 91(1), the power to grant an extension of time for an appeal from a Review Board finding;

- c. under Section 91(3), the power to designate a longer period for the making of a decision by the Appeal Division where the appellant requests a delay in the proceedings or where the deputy chief appeal commissioner considers the longer period necessary because of an act or omission of the appellant or because of the complexity of the matter under appeal;
  - d. under Section 96(6), the power to grant an extension of time to an employer for an appeal from an assessment, classification, special rate, differential or additional assessment, levy or contribution;
  - e. under Section 96(6.1), the power to grant an extension of time to an employer for an appeal from a notice relating to an assessment, classification, monetary penalty or apportionment or shifting of cost between classes for which no appeal to the Appeal Division is specifically provided in Section 96(6);
  - f. under Section 22.1 of the *Criminal Injury Compensation Act*, the power to direct that the Appeal Division reconsider the matter or that the applicant may make a new claim to the Board with respect to the matter;
  - g. under Section 85(7)(c), the power to preside at hearings or meetings of the Appeal Division; and
  - h. under Section 96.1(3), or pursuant to the common law grounds for reconsideration articulated in Appeal Division Decision No. 93-0740, 1993, *Right to Reconsider Appeal Division Decisions (1993)*, (*Workers' Compensation Reporter*, Vol. 10, p. 127), the power to direct that the Appeal Division reconsider a matter or that the applicant may make a new claim to the Board with respect to a matter.
4. In exercising these delegated powers, the deputy chief appeal commissioner shall implement the policies of the governors with respect to the administration of the Appeal Division pursuant to Section 85(7).
  5. I hereby appoint Cassandra Kobayashi, appeal commissioner, to serve as deputy chief appeal commissioner of the Appeal Division on the basis set out above from December 1, 1996 to November 30, 1998.
  6. I hereby delegate to Judith Williamson, appeal commissioner, the powers and duties as are delegated to the deputy chief appeal commissioner in paragraph 3

above, but limited to situations where the deputy chief appeal commissioner is absent or has determined herself to be exposed to a possible or actual conflict of interest or appearance of bias with respect to a given case. I hereby delegate to Paul Petrie, appeal commissioner, the same powers and duties as delegated in this paragraph to Judith Williamson, but limited to situations where Judith Williamson is absent, or has determined she is exposed to a possible or actual conflict of interest or appearance of bias with respect to the given case.

7. I hereby delegate to appeal commissioners Cassandra Kobayashi, Sonja Hadley, Paul Petrie, Jill Callan, and Anne-Marie Drosso, the same authority as set out in Decision No. 8, 1992 (as published at *Workers' Compensation Reporter*, Vol. 8, p. 331) to determine whether grounds have been provided for reconsideration of a decision of the former commissioners. This delegation is pursuant to Section 17(5) of the *Workers Compensation Amendment Act, 1989*, and Section 96(2) of the *Workers Compensation Act* and the January 6, 1992 resolution of the Board of Governors, Decision No. 8, 1992 (*Workers' Compensation Reporter*, Vol. 7, p. 171).
8. I hereby delegate to A. Grant McRitchie, appeal commissioner/manager, authority to make decisions concerning:
  - a. a request for an extension of time to appeal under Section 91(1), 96(6), or 96(6.1) of the *Workers Compensation Act*;
  - b. an oral hearing request, prior to the assignment of the case to a panel of the Appeal Division;
  - c. the designation of a longer period for the making of an Appeal Division decision under Section 91(3)(c):
    - (i) prior to the assignment of the case to a panel of the appeal division, at the request of a party to the appeal pursuant to Appeal Division Decision No. 12, 1994 (*Workers' Compensation Reporter*, Vol. 10, p. 365); and
    - (ii) following the assignment of a case to a panel of the appeal division, at the request of the Panel, in the absence or inability to act of both the chief appeal commissioner and deputy chief appeal commissioner.
9. I retain the powers and duties delegated herein to A. Grant McRitchie, and will exercise these concurrently with the appeal commissioner/manager.

10. I hereby delegate to Anne-Marie Drosso, appeal commissioner, under Section 96.1(3), or pursuant to the common law grounds for reconsideration articulated in Appeal Division Decision No. 93-0740, 1993, *Right to Reconsider Appeal Division Decisions*, (*Workers' Compensation Reporter*, Vol. 10, p. 127), the power to direct that the Appeal Division reconsider a matter or that the applicant may make a new claim to the Board with respect to a matter. I retain the powers and duties delegated herein to Anne-Marie Drosso, and will exercise these concurrently with that appeal commissioner.
11. I hereby delegate to all non-representational appeal commissioners of the Appeal Division, under Section 22(3) of the *Criminal Injury Compensation Act*, the power to grant leave for a further review of the decision of an officer of the Board, or the findings and report of an appeal committee.
12. The delegations to named individuals, and the delegation in paragraph 11 above, are effective from December 1, 1996 until November 30, 1998, so long as the delegate remains an appeal commissioner.
13. Any assignment of matters to an appeal commissioner prior to December 1, 1996, pursuant to any of the delegations of the chief appeal commissioner published in the *Workers' Compensation Reporter*, or in Appeal Division Decisions No. 15, 1996, No. 17, 1996, or No. 18, 1996, continues so that the appeal commissioner may carry out and complete his or her duties and responsibilities, and continue to exercise the powers, contemplated in the delegation, until those specific matters are completed.
14. Any written delegation in a specific matter to an appeal commissioner by the chief appeal commissioner of the chief appeal commissioner's authority to reconsider Appeal Division decisions, including authority derived from the common law grounds for reconsideration, made prior to December 1, 1996, continues until that matter is completed or the matter is reassigned, and is adopted as part of this delegation decision.