WORKERS' COMPENSATION
REPORTER

Decision of the Appeal Division

Number: 2001-0972
Date: May 16, 2001
Panel: Herb Morton, Glen Bell, Heather McDonald
Subject: Entitlement to Interest on Retroactive Rehabilitation Benefits

VOCATIONAL REHABILITATION (RETROACTIVE BENEFITS) (INTEREST) — No statutory entitlement to interest on retroactive benefits except in limited situations expressly addressed in the Act – Interest payment policy (#50.00) covers wage loss and pension benefits, but excludes rehabilitation benefits — Any change in circumstances under which interest is payable requires statutory or policy change — Under applicable general policies, no interest payable to worker — Worker appeal denied.

Law: *WCA (1996)*: s. 16, s. 82, s. 91(1)
Policy: *RSCM*: #50.00, #50.10, #85.30, #102.26; Decision No. 384, 5 *Workers' Compensation Reporter* 206; Decision No. 369, 5 *Workers' Compensation Reporter* 169; *Panel Resolutions*: #98/04/23003, 14 *Workers' Compensation Reporter* 107, #98/09/11-01, 14 *Workers' Compensation Reporter* 431; *APM*: #40:70:40
Decisions: Appeal Division Decision No. 95-0668, 12 *Workers' Compensation Reporter* 221; Appeal Division Decision No. 97-0857, 13 *Workers' Compensation Reporter* 443; Appeal Division Decision No. 98-1112, 15 *Workers' Compensation Reporter* 349; Appeal Division Decision No. 2000-0482; Appeal Division Decision No. 2000-1551

Interest on Retroactive Rehabilitation Benefits [worker appeal (rev. brd.)]
Appeal Division Decision No. 2001-0972

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(1) The worker appeals the November 21, 2000 Workers' Compensation Review Board (the Review Board) finding.

(2) The worker requests an oral hearing, stating that the Review Board panel majority questioned his credibility. We find that the issue raised by the worker's appeal involves the interpretation of law and policy, and can be properly addressed on the basis of written submissions.

Issue(s)

(3) Is the worker entitled to interest on the payment of retroactive rehabilitation benefits?

Jurisdiction

(4) The worker's appeal is brought under section 91 of the *Workers Compensation Act* (the Act). Section 96(3) of the Act provides that on an appeal under section 91(1), the Appeal Division may reopen, rehear and redetermine any matter that has been dealt with by the Review Board.

Governors' policy in Decision No. 75 (Appeal Division Administration, Practice and Procedure, 10 *Workers' Compensation Reporter* 753) further provides that the Appeal Division has the discretion to initiate and conduct a full inquiry into all of the issues arising out of an appeal once the matter is before it.

Background

(5) While employed as a carpenter, the worker suffered a right knee injury on February 1, 1995 at age 63. The worker underwent arthroscopic surgery for a right knee meniscal tear on April 6, 1995. He received wage loss benefits until January 14, 1996, and rehabilitation benefits to June 16, 1996.

(6) A Review Board finding dated February 27, 1997 allowed the worker's appeal for further rehabilitation benefits beyond June 16, 1996. By letter of September 11, 1997, the vocational rehabilitation consultant advised the worker that a rehabilitation allowance would be paid commencing from the date of the February 27, 1997 Review Board finding. By decision dated February 6, 1998, the worker was advised that his rehabilitation benefits would cease as of February 22, 1998.

(7) The worker appealed the September 11, 1997 and February 6, 1998 decisions of the vocational rehabilitation consultant. A second Review Board finding dated August 20, 1998 found at page 6:

> The panel finds that the intention of the original Review Board panel was clear and that [the worker] must be provided with vocational rehabilitation allowances from June 16, 1996 to February 27, 1997 and this panel so directs.

(8) The Review Board panel further found (at page 8):

> The panel finds that [the worker] is entitled to a comprehensive employability assessment and that until such time as this is completed he is entitled to a continuation of vocational rehabilitation and benefits.

(9) By decision dated January 6, 1999, the rehabilitation consultant advised the worker regarding the payment of retroactive rehabilitation allowances in implementation of the August 20, 1998 Review Board finding. This letter refers to payments as follows:

Number of days	Payment amount	Period covered
183	$22,122.98	June 17, 1996 to February 26, 1997
190	$26,545.21	February 23, 1998 to November 15, 1998
10	$1,439.60	November 16, 1998 to November 29, 1998
20	$2,879.20	November 30, 1998 to December 27, 1998

(10) The first payment amount was coded as regular rehabilitation assistance. The other three payment amounts were coded as "regular planning."

(11) The January 6, 1999 decision by the rehabilitation consultant further advised the worker:

> Your letter also requested payment of interest on the retroactive amount. Unfortunately the Board's current policy allows for payment of interest only on retroactive wage loss or pension amounts as outlined in the attached excerpt from the Rehabilitation Services and Claims Manual.

(12) Rehabilitation payments continued after the January 6, 1999 letter on a "current" rather than retroactive basis. The issue with respect to possible eligibility for interest on retroactive rehabilitation assistance is solely in respect of the payments made under the January 6, 1999 decision.

(13) The worker appealed the January 6, 1999 decision to deny payment of interest to the Review Board. By finding dated November 21, 2000, the Review Board majority denied the worker's appeal. The majority reasoned:

> . . . item #50.00 of the *Manual* is lawfully approved policy of the Board and should be followed by this panel unless there are unusual and extraordinary circumstances which preclude adherence to the policy.
>
> The panel majority feels the Board has had ample time to consider the make-up of policy #50.00, including the interpretation suggested by Decision #00-0482, and are clear that retroactive interest applies only to wage loss and pension payments. The Board is very aware of the on-going debate on this issue, and in fact have been asked by the Appeal Division to clarify their position. By their silence, the Board has confirmed that the policy is not to be applied to retroactive interest on rehabilitation benefits.
>
> As this policy is not a patently unreasonable interpretation of the Act, we see no unusual or extraordinary circumstances in this case to deviate from the lawful policy of the Board as stated in item #50.00. The panel majority therefore denies [the worker's] appeal.

(14) A dissenting member of the Review Board panel found that interest should be paid to the worker. She reasoned, in part:

> I have been spared the effort of weighing and analyzing all of the underlying policy and prior Appeal Division findings by allowing myself to be guided by the analysis set out by the Appeal Division in #*00-0482*. I have included much of the analysis in the body of this finding because it clarifies the reasoning of the Appeal Division whose reasoning I adopt and support. The decision sets out the conditions which would have to be met should there be a basis for paying interest on retroactive rehabilitation wage loss equivalency benefits. [The worker] meets all the tests set out in the Appeal Division finding.

> I find that the worker's unique and unusual situation leads me to conclude that interest is appropriate in this circumstance. . .

(15) The worker has received rehabilitation benefits or allowances for a total of 1,015 days (for the four years from January 15, 1996 until December 5, 1999). In memo #52, the vocational rehabilitation consultant noted "this budget brings total rehabilitation expenditures on this case to $137,619.25." Rehabilitation benefits provided to the worker during 1996, 1997, and 1998 were provided in the categories of rehabilitation assistance, planning, work assessment, and rehabilitation miscellaneous. For the period August 23, 1999 until December 5, 1999, the worker was paid continuity of income (Code R) benefits on a current basis. None of the retroactive rehabilitation payments for which interest is sought in this appeal were paid as continuity of income (Code R) benefits under the policy at #89.11 of the *Rehabilitation Services and Claims Manual* (the Manual).

(16) We have included in our review the evidence concerning the worker's particular circumstances, although we do not consider it necessary to set out that evidence in this decision.

Law and Policy

(17) There are several provisions in the *Workers Compensation Act* concerning payment of interest. These include sections 19(1) and 19(2)(c), 48(2), 49(1), 92(3), 96(7), and 196(8). None of those provisions are directly relevant in this case.

(18) Section 82 of the Act provides:

> The governors must approve and superintend the policies and direction of the board, including policies respecting compensation, assessment, rehabilitation and occupational safety and health. . . .

(19) Under section 83.1, the powers of the governors are currently exercised by a Panel of Administrators.

(20) Section 16 of the Act concerns vocational rehabilitation. It provides:

> (1) To aid in getting injured workers back to work or to assist in lessening or removing a resulting handicap, the board may take the measures and make the expenditures from the accident fund that it considers necessary or expedient, regardless of the date on which the worker first became entitled to compensation.
>
> (2) Where compensation is payable under this Part as the result of the death of a worker, the board may make provisions and expenditures for the training or retraining of a surviving dependent spouse, regardless of the date of death.
>
> (3) The board may, where it considers it advisable, provide counselling and placement services to dependants.

(21) The central policy in the *Rehabilitation Services and Claims Manual* concerning interest is set out at item #50.00 (quoted in part):

> **50.00 Interest**
>
> Effective May 7, 1984, interest is paid to workers or employers on retroactive wage-loss and pension lump sum payments subject to the following conditions.
>
> 1. The decision to award interest is made by the Claims Adjudicator, Disability Awards Officer or Adjudicator in Disability Awards, as the case may be.
>
> 2. Interest is paid when the wage loss or pension is for a condition which was previously overlooked or for which the Board previously decided that no payment was due.
>
> 3. No interest is paid unless the commencement date of the retroactive benefits is more than one year prior to the date the retroactive payment is being processed. Interest is calculated from the first day of the month following the commencement date of the retroactive benefits.
>
> 4. For each year in respect of which compensation is retroactively paid the rate of interest will equal the average return on the Board's total investment portfolio for the preceding year.

(22) The historical practice of the Workers' Compensation Board (the Board) is described at #50.10 of the Manual. Decision No. 346 (Re Payment of Interest, 5 *Workers' Compensation Reporter* 125, December 16, 1981) provided for the payment of interest on retroactive wage loss and pension lump sum payments effective November 26, 1981. Decision No. 384 (Re Interest Payments on Retroactive Pensions, 5 *Workers' Compensation Reporter* 206, May 1, 1984) replaced Decision No. 346 effective May 7, 1984.

(23) The subject of interest was addressed in a resolution by the Panel of Administrators dated April 23, 1998 (Number 98/04/23003, section 39(1)(e), published at 14 *Workers' Compensation Reporter* 107). In a resolution dated September 11, 1998 (Number 98/09/11-01, Interest on Assessment and Prevention Appeals, 14 *Workers' Compensation Reporter* 431), the Panel of Administrators provided further policy concerning payment of interest following employer appeals to the Appeal Division under section 96(6) or (6.1) of the Act. The effect of paragraph 4 of the April 23, 1998 policy resolution, concerning relief of claim costs applications under section 39(1)(e) of the Act, is to award interest on only a short-term basis, and not retroactive to the date of the events in question. This is consistent with the terms of the later policy dated September 11, 1998, which provides that the effective date of interest following successful appeals to the Appeal Division under section 96(6) or (6.1) will be the date the employer filed the notice of appeal with the Appeal Division (i.e. rather than from the date of the events in question). In both cases, the payment of interest is on a limited basis.

(24) Additional policy concerning payment of interest by the Board is set out at No. 40:70:40 of the *Assessment Policy Manual*.

Prior Appeal Division Decisions

(25) The question of the Board's authority to pay interest, apart from those situations expressly provided for in the Act, was addressed in a prior Appeal Division decision (#97-0857, Authority to Award Interest, 13 *Workers' Compensation Reporter* 443). The Appeal Division panel found that that there is no entitlement to interest under the Act except as expressly provided in the various sections of the Act dealing with interest. The Appeal Division panel reasoned, at page 459:

> We interpret ss. 92(3) as recognizing the board's authority to award interest in a number of situations on a discretionary basis (if the governors' policies so provide), while creating a statutory obligation to pay interest in one specific situation.

(26) The dissenting member of the Review Board panel, which issued the November 21, 2000 finding which is the subject of this appeal, relied upon the reasoning expressed in Appeal Division Decision #00-0482. That decision concerned continuity of income (Code R) benefits paid to the worker under the policy at #89.11 of the Manual. Part of the panel's reasoning in that case related to the fact that such benefits had historically been paid by the Board as a type of wage loss benefit for temporary partial disability, rather than as rehabilitation benefits. In its April 10, 2000 decision (#00-0482), the Appeal Division majority concluded by noting:

> We note that the Panel of Administrators has yet to consider the 1994 submission of the workers' advisor that requested direction and clarification on this issue. We urge the Panel of Administrators to review Item #50.00 of the *Manual* with a view to clarifying its intent, so that there will be clear direction as to the Board's policy in making interest payments and the reasons which justify the Board's policy. Only with clear direction from the Panel of Administrators will the current vague and unsatisfactory situation surrounding Item #50.00 come to an end.

(27) The employer's advisor cites Appeal Division Decision #00-1551 dated October 3, 2000. In that case, the Appeal Division panel found that policy at #50.00 only provides for interest on true wage loss benefits, and not on "wage loss equivalency rehabilitation benefits." The panel noted that "it would have been a simple matter for the Panel of Administrators to have amended policy item #50.00 to refer to rehabilitation benefits. It has not done so. The worker is not entitled to interest under item #50.00."

Royal Commission Report

(28) While not directly relevant, we note with interest that the subject of payment of interest by the Board was a matter addressed in the January 20, 1999 *Final Report of the Royal Commission on Workers' Compensation of British Columbia*, *For the Common Good*, at volume 1, chapter 8,

page 31–32. The Royal Commission noted the policy at #50.00 limiting interest to wage loss or pension benefits for a condition which was previously overlooked or for which the Board had previously decided that no payment was due. The Royal Commission recommended the following statutory amendment:

> 48. the *Workers Compensation Act* be amended:
>
> a) to require the board to pay interest on compensation payable for wage loss benefits to a worker, or benefits payable to the worker's dependants, where the initial adjudication of that compensation is delayed more than 60 days after the board was in receipt of sufficient notice to consider the claim to have been commenced, if the circumstances that resulted in the delay were or ought to have been in the control of the board; and
>
> b) the rate of interest be calculated in accordance with Section 7 of the *Court Order Interest Act*, rather than on the basis of the rate of return of the board's investment portfolio.

(29) The Royal Commission restricted its recommendation for statutory amendment to require payment of interest to compensation payable for wage loss benefits to a worker, or benefits payable to the worker's dependants.

Submissions

(30) The worker submits:

> Reading [the Review Board finding] I get the feeling That the commissioners drafting item #50 were feeble in the mind? not being able to forsee the consequences of their vaguely worded item #50??. On the contrary, aided by the best legal minds and strategist and influenced by industrial lobbying, it was crafted with Machiavellian precision first to deflect criticism from labour unions where the changes proposed to W.C.B. were discussed in detail, but more important to them, for discretionary powers and inherent moneytary gain. Of course the board keeps Quit about possebilities of item #50, carefully crafted as a twosided sword to enable the board to withhold payments from anyone as long as possible collect interest and effectively punish the workers by not paying interest and forcing to lose premium interest payable on credit cards, 17% + in my case, adding insult to injury. The interest payed on this money should be the same as payed by people on overdrawn accounts 2% per months. . . . *This and an on purpose ambiquguous worded item # 50 entitles Me to full reimbursement of lost income caused by being put in the position to have to pay interest on badly needed loss of ready cash*.
>
> [reproduced as written, emphasis in original]

(31) The employer is no longer registered with the Board and the B. C. Construction Association is not participating although invited to do so. A submission has been provided by the employers' advisor dated March 23, 2001, and a reply was provided by the worker on April 4, 2001 (forwarded by the workers' adviser on April 5, 2001).

Findings and Reasons

(32) Upon consideration of the arguments provided in this case, and the analyses provided in prior decisions, we find it clear that there is no right to interest on retroactive benefits payable under the Act except in those limited situations expressly addressed in the Act. We agree, in this regard, with the reasoning expressed in published Appeal Division Decision #97-0857.

(33) As there is a statutory entitlement to interest only in the situations expressly covered by sections 19(2)(c), 92(3), 96(7) and 196(8), it is necessary to look to the policies of the governors (now Panel of Administrators) in order to determine whether interest is payable to the worker on his retroactive rehabilitation benefits.

(34) We accept that the policy-makers have authority under the Act to establish policy concerning the payment of interest in respect of those benefits and situations not expressly addressed by the Act. The Board of Governors / Panel of Administrators have, in exercising their authority for providing policy direction under section 82 of the Act, established an interest payment policy which covers only wage loss and pension benefits and excludes rehabilitation benefits.

(35) We further note that the policy-makers have been asked to clarify the policy at #50.00, both by the workers' advisors office in 1994 and the Appeal Division panel in Decision #00-0482. To date, they have declined to do so.

(36) In considering this matter, we have looked for a rationale for the policy of not awarding interest on rehabilitation benefits. The policy does not provide reasons, so this requires some conjecture on our part. One rationale might relate to the difference in character between compensation in the form of wage loss and pension benefits, and rehabilitation assistance under section 16. The sections in the Act concerning wage loss and pension benefits (including sections 22, 23, 29, and 30), are viewed as "entitlement" provisions, whereas rehabilitation benefits are seen as intrinsically "discretionary" in nature.

(37) Decision No. 60 (Re Appeals to Board of Review, 1 *Workers' Compensation Reporter* 247, October 1, 1974) stated at page 257:

> Assistance under section 16 should not be grudgingly dispensed as if it were a charity. But neither should it be firmly established as if it were a right. A right is something to which a person is entitled regardless of any effort on his part. But successful rehabilitation requires stimulating and motivating the injury victim to take an initiative himself, and then assisting him in fulfilling that initiative. A re-training allowance should, therefore, be seen as a form of support offered in response to the determination of the worker to re-establish himself. Any recognition of a "right" to rehabilitation services would be counter-productive.

(38) That reasoning was offered in support of a conclusion that the prior boards of review did not have jurisdiction in rehabilitation matters. While appeal rights are currently recognized in relation to rehabilitation decisions, the analysis is revealing in its description of the different character and purposes of compensation and rehabilitation benefits under the Act. The payment of interest on retroactive rehabilitation assistance would, by that analysis, likely have been considered counterproductive as amounting to recognition of a right to rehabilitation services.

(39) The reasoning in Decision No. 60 with respect to appeal rights on rehabilitation matters was replaced in 1983 by Decision No. 369 (Re Appeals to the Boards of Review, 5 *Workers' Compensation Reporter* 169, April 8, 1983). Decision No. 369 provides, at page 170:

> Rehabilitation is a discretionary matter for the Board. There is no legal right to rehabilitation. However, appeals are permitted on other discretionary matters. The Commissioners consider that the reasons for not previously permitting appeals to the boards of review on rehabilitation matters are legitimate concerns, but are not sufficient to justify a different rule from that followed in connection with other discretionary matters. . . . .

(40) Current policy at 102.26 of the Manual similarly states:

> Rehabilitation is a discretionary matter for the Board. There is no legal right to rehabilitation. However, appeals are permitted on other discretionary matters. Therefore, subject to the principles set out in #102.24 regarding appeals on discretionary matters, the review board has jurisdiction to consider appeals on rehabilitation matters.

(41) The statement that "there is no legal right to rehabilitation" reinforces the concept of rehabilitation services being provided on a discretionary basis rather than as a matter of right.

(42) We note the historical overview provided in Appeal Division Decision #95-0668 (Rehabilitation Costs and E.R.A., 12 *Workers' Compensation Reporter* 221) at pages 225 to 227, in connection with the provision of rehabilitation assistance under the Act. There was no provision for payment of rehabilitation in the original workers' compensation legislation of 1916. Provision was not made in the Act for such assistance until the 1943 amendments, and was originally based upon a fixed amount being allocated by the Board for this purpose each year. In his Royal Commission report of 1952, Mr. Justice Sloan recommended the $75,000 ceiling (for all rehabilitation expenses paid by the Board during the year) be removed, and that such expenditures be left to the discretion of the Board. It is evident from this history that rehabilitation assistance was, from the outset, treated as different in character from compensation. The conclusion reached in Appeal Division Decision #96-0244 (Rehabilitation Costs and Experience Rated Assessments, 12 *Workers' Compensation Reporter* 265) concerning the inclusion of rehabilitation costs in calculating an employer's experience rating, does not affect the summary provided in Decision #95-0668 of the history concerning the provision of rehabilitation assistance under the Act.

(43) Governors' policy at #85.30 sets out the guiding principles of quality vocational rehabilitation. The second principle states:

> Successful vocational rehabilitation requires that workers be motivated to take an active interest and initiative in their own rehabilitation. Vocational programs and services should, therefore, be offered and sustained in direct response to the commitment and determination of workers to re-establish themselves.

(44) Unlike wage loss or pension benefits, the extent of rehabilitation assistance to be provided to a worker is not determined by the Act and policy alone. It is also contingent on the worker's own desire to pursue a rehabilitation program. This illustrates one of the differences between wage loss and pension benefits, and rehabilitation assistance under section 16 of the Act.

(45) The distinction between compensation and rehabilitation benefits is also supported by the wording of section 82 of the Act which refers to compensation and rehabilitation benefits separately.

(46) We note that it is sometimes suggested that rehabilitation assistance cannot be provided on a retroactive basis in any event. This reasoning relates to the provision of active rehabilitation such as retraining. Where no rehabilitation program was being undertaken in the past, history cannot be rewritten as a result of an appeal or reconsideration. New or additional active rehabilitation measures can normally only be offered prospectively. We recognize, however, that there are situations where the worker has undertaken an educational, training or job search program on his or her own initiative and it will subsequently be determined that this should have been accepted as a Board responsibility, resulting in a retroactive rehabilitation payment. We note, in this regard, the reasoning expressed in Appeal Division Decision #98-1112 (Retroactive rehabilitation benefits — Reconsideration of an Appeal Division Decision, 15 *Workers' Compensation Reporter* 349). That decision found, at page 357, that there is range of viable interpretations as to the Board's authority to make retroactive payments to meet its obligation to provide vocational rehabilitation benefits — all of which may to a greater or lesser extent be reconciled with s. 16 of the Act. Thus, there is no strong reason for considering that such payments cannot be made on a retroactive basis.

(47) We further note that the provisions in the Act which set out an express entitlement to interest deal with particular defined and limited circumstances. It may be considered that the policies limiting payment of interest to other defined and limited situations are consistent with a general legislative intent to limit payment of interest. In this light, the drawing of a distinction between compensation benefits which are payable as an entitlement, and rehabilitation benefits which are discretionary, has some rational basis under the Act.

(48) The Board has responsibility under section 39 of the Act for creating and maintaining an adequate accident fund. We accept that the magnitude of costs associated with various policy proposals may be a proper consideration for the policy-makers in connection with their responsibility for maintaining an adequate accident fund, so long as this does not impinge improperly on entitlement created by the Act. We have already found above that there is no

statutory entitlement to interest except in a few situations expressly covered by the Act. Thus, there is scope for the policy-makers to exercise discretion in determining whether interest costs on retroactive rehabilitation expenditures are appropriately borne by the accident fund.

(49) Our consideration in respect of the intent of the policy at #50.00 is not necessary to our decision. Our reasoning is not intended to limit any review of the policy which might be undertaken in the future. We note, in this regard, the analysis in Decision #98-1112, at page 357:

> While the wording of s. 16 may suggest that it only contemplates the actual delivery by the board of vocational rehabilitation services which would seemingly preclude any retroactive payments, the discretionary provisions it contains arguably allow the board to make such payments. It could be reasoned that, although there is no entitlement under the Act to vocational rehabilitation benefits in the sense that there is an entitlement to compensation, the fact that the board is bound by the Act to try to rehabilitate injured workers almost creates an entitlement to these benefits with the board retaining a discretion as to the type and amount of benefits it ultimately provides.

(50) The Panel of Administrators has provided additional policy direction relating to payment of interest, as set out in the published resolutions dated April 23, 1998 and September 11, 1998. It is evident from this that the policy-makers have addressed issues relating to interest, and provided new policy on this subject in recent years. The absence of policy amendment or clarification pertaining to item #50.00 does not necessarily mean that it will not be further addressed in the future. However, no amendment of item #50.00 has been undertaken by the policy-makers to date. Accordingly, the worker's appeal must be considered on the basis of the guidance provided by the general policy at #50.00. Under the terms of that policy, the worker is not eligible for interest on his retroactive rehabilitation payments as interest is only payable under #50.00 for retroactive wage loss and pension benefits.

(51) We have also considered the circumstances of the worker's particular case. We find, however, that the circumstances of the worker's case do not warrant a departure from the policy at #50.00. Accordingly, the worker's appeal must be decided in accordance with that policy.

(52) In summary, there are several provisions in the Act requiring payment of interest. These involve limited situations, and are generally for limited periods of time. There is no general statutory entitlement to interest. Any change in the circumstances under which interest is payable would require statutory or policy change. To the extent the policy-makers have declined to exercise their discretion to expand the situations in which interest is payable, this is within the range of reasonable choices allowed and the Appeal Division cannot interfere. We find that under the applicable general policies, no interest is payable to the worker. We further find no basis for departing from the published general policies in the circumstances of the worker's case. We are in agreement, therefore, with the conclusion of the Review Board majority in their November 21, 2000 finding.

Conclusion

(53) We deny the worker's appeal. The worker is not entitled to interest on the payment of retroactive rehabilitation benefits.

Editors' Note: The names of the parties have been removed for privacy considerations. The text of the decision is otherwise unchanged.