

DECISION OF THE APPEAL DIVISION

Number 30

March 6, 2000

RE: Delegation by Chief Appeal Commissioner

John Steeves
Chief Appeal Commissioner

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

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

2. I appoint Herb Morton to serve as deputy chief appeal commissioner of the appeal division. I delegate to him the powers of the chief appeal commissioner under Sections 85(7)(b), 85(7)(c), 85.2, 91(1), 91(3), 96(6), 96(6.1), and 96.1(3) of the *Workers Compensation Act* and Section 23(3) of the *Criminal Injury Compensation Act*. This includes 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 pursuant to the common law grounds for reconsideration articulated in appeal division decision #93-0740 [*Right to Reconsider Appeal Division Decisions* (1993), 10 WCR 127].
3. 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, 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 exercise all powers, duties, functions and responsibilities of the chief appeal commissioner in my absence.
4. I delegate to Sonja Hadley the powers and duties as are delegated to the deputy chief appeal commissioner in paragraph 2 and 3 above, but limited to situations where the deputy chief appeal commissioner is absent or has determined himself to be exposed to a possible or actual conflict of interest or appearance of bias with respect to a given case. I delegate to Paul Petrie the same powers and duties as delegated in this paragraph to Sonja Hadley, but limited to situations where Sonja Hadley is absent, or has determined she is exposed to a

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possible or actual conflict of interest or appearance of bias with respect to the given case.

5. I delegate the following authority and power to all non-representational appeal commissioners:
 - a. the same authority as set out in Decision No. 8 [as published at (1992), 8 WCR 331] to determine whether grounds have been provided for reconsideration of a decision of the former commissioners;
 - b. to consider and decide a request for an extension of time to appeal, under Section 91(1), 96(6), or 96(6.1) of the *Workers Compensation Act*;
 - c. 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, under Section 22(5) of the *Criminal Injury Compensation Act*.
6. I delegate to Jill Callan and Anne-Marie Drosso under Section 96.1(3) of the *Workers Compensation Act* and Section 23(3) of the *Criminal Injury Compensation Act*, or pursuant to the common law grounds for reconsideration articulated in appeal division decision #93-0740 [*Right to Reconsider Appeal Division Decisions* (1993), 10 WCR 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.
7. I retain the powers, duties and authority delegated by me in this decision and will exercise these concurrently with the appeal commissioner(s).
8. These delegations are effective from March 6, 2000 until replaced by a further numbered decision of delegation, and so long as the delegate remains an appeal commissioner.
9. Subject to paragraph 10 in this delegation, this delegation replaces those contained in Appeal Division Decisions #23 (26 November 1998), #25 (30 June 1999), #26 (3 August 1999), and #28 (16 November 1999).

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10. Any delegated authority or assignment of matters to an appeal commissioner prior to March 6, 2000, pursuant to a delegation of the chief appeal commissioner or acting chief appeal commissioner, 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.

John Steeves
Chief Appeal Commissioner