

GETTING READY FOR THE HEARING

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Contact the Appeals Commission

For more information, contact the Appeals Commission for Workers’ Compensation

- by calling our office in:
 - Edmonton (780) 412-8700
 - Calgary (403) 508-8800
- by picking up information from our office in Edmonton at:
 - 901, 10109 – 106 Street
 - Edmonton, AB T5J 3L7
- by picking up information from our office in Calgary at:
 - 206, 1701 Centre Street North
 - Calgary, AB T2E 7Y2
- through our website at www.appealscommission.ab.ca

This is one of a series of Practice Guidelines issued by the chief appeals commissioner to help parties who are involved in an appeal to the Appeals Commission. To get other Practice Guidelines, the Appeals Commission’s Appeal Rules, or other information, please contact the Appeals Commission in one of the ways described above.

(See other side)

SECOND STEP IN THE APPEAL

A. Preparing the Appeal Documents Package (ADP)

- The appeals officer will review the WCB file and from that file and any other appropriate information of which the appeals officer is aware, create an appeal documents package. The documents in the package will be numbered for easy reference.
- When the Appeals Commission knows which parties will be participating in the appeal the appeals officer will send to every party a copy of the appeal documents package with a letter containing:
 - the issue or issues to be decided by the Appeals Commission hearing panel, and
 - a *Certificate of Readiness to Proceed* form.

B. Are the documents complete?

- It is very important that every party carefully review the appeal documents package to make sure it is complete. Each party is responsible for checking to see and deciding if all of the documents that may help their case are in the appeal documents package. The Appeals Commission cannot obtain evidence on behalf of any party to an appeal.
- If a party believes the appeal documents package is incomplete and that additional documents related to the appeal should be included in the package, that party should list the additional documents in the space provided at the end of the *Certificate of Readiness to Proceed* form (see section D of this Practice Guideline) and send the additional documents to the Appeals Commission with the completed form.
- The additional documents will be incorporated into the appeal documents package and the additional documents will be circulated to every other party.
- If you know there will be additional documents but they are not yet available, please tell the appeals officer about this as soon as you can.
- As soon as any additional document related to the appeal becomes available, you must notify the appeals officer as soon as possible.
- Parties are strongly encouraged to obtain all the material they need for the hearing of the appeal well before the scheduled hearing date in order to prevent a possible delay of the hearing. If new information is obtained shortly before the hearing it is likely to delay the hearing.

C. Have the appeal issues changed?

- It is very important for an appellant to carefully review the letter from the Appeals Commission setting out the issue or issues to be decided by the Appeals Commission and compare the issues stated in the letter with the issues stated in the notice of appeal.
- The review of the WCB file or other information may have changed, modified or refined the appeal issues. If the appellant disagrees or objects to an issue or issues stated in the Appeals Commission letter, contact the appeals officer immediately.
- If the appellant wishes to change, add or withdraw an issue or issues in an appeal they must contact the assigned appeals officer immediately.

D. Certificate of Readiness to Proceed form (CRP form)

- The appellant must complete the *Certificate of Readiness to Proceed* form and send it to the Appeals Commission before a hearing date can be scheduled.
- If the *Certificate of Readiness to Proceed* form is not completed and filed with the Appeals Commission by the appellant or their representative within 21 calendar days of the Appeals Commission letter sending out the appeal documents package, the appeal will not be scheduled until the *Certificate of Readiness to Proceed* form is filed by the appellant.
- If a party *other* than the appellant does not complete the *Certificate of Readiness to Proceed* form within the 21 calendar day time period, the hearing can be scheduled without considering that party's preferences.
- **A reminder:** Before each party completes the *Certificate of Readiness to Proceed* form they should make sure the appeal documents package includes all of the documents related to the appeal, and if it does not, list the additional documents on the *Certificate of Readiness to Proceed* form and file the form, and the additional documents, with the Appeals Commission.
- As noted earlier, the appellant should also carefully check the appeal issues listed in the letter from the Appeals Commission to see that the issues listed are accurate and complete.

E. Not ready to proceed?

- The Appeals Commission is committed to processing and deciding appeals as quickly as possible.
- However, sometimes there are good reasons why an appeal must be delayed, (for example, ill-health, unavailability of witnesses, or if documents related to the appeal are not yet available).
- If any party has a reason why scheduling a hearing should be delayed, please contact the appeals officer immediately.
- If a party, other than the appellant, is not ready to proceed, they must tell the appeals officer immediately, otherwise the hearing will be scheduled.

(See other side)

F. Type of appeal hearing

- There are two types of appeal hearings:
 - (1) Documents-only hearings, and
 - (2) Oral hearings.
- **(1) Documents-only hearings:** the Appeals Commission hearing panel will review only the documents in the appeal documents package, and any other written submissions made by the parties, and make their decision on the basis of those documents only. There are no parties present during this type of hearing and no one has the opportunity to speak to the panel or present witnesses.
- The Appeals Commission encourages parties to request a documents-only hearing when:
 - there are only one or two appeal issues;
 - the appeal issues and the submissions are not complex;
 - there is limited evidence to be considered and all evidence is included in the documents in the appeal documents package;
 - the appellant is concerned about the length of time to process the appeal (documents-only hearing can be processed and decided more quickly than an oral hearing).
- Once the Appeals Commission has decided that a documents-only hearing will be conducted, the Commission will:
 - notify each of the parties of the deadline for filing all written submissions
 - provide each of the parties with the written submissions it receives and tell them of the deadlines for providing responses
 - assign the appeal to an Appeals Commission hearing panel after submissions have been received from the parties or the deadline for receiving them has passed.
- **(2) Oral hearings:** the parties appear before the Appeals Commission hearing panel in person or by telephone conference call or some other means of electronic communication, and make oral submissions to the Appeals Commission hearing panel. The panel will listen to the submissions, may ask questions, and will listen to any witnesses and review the documents in the appeal documents package.

G. What's next

- The completed *Certificate of Readiness to Proceed* form can be mailed, faxed or dropped off to the Appeals Commission office in Edmonton or Calgary.
- The Appeals Commission will not accept forms in an electronically transmitted format.
- The appeal hearing is then scheduled.

H. Scheduling the appeal hearing date

- The Appeals Commission will schedule a date for the hearing. Once a suitable date has been set, a letter will be sent to every party confirming the date, time, place and kind of hearing scheduled.
- It is extremely important that all of the parties provide the proper contact information to their assigned appeals officer and update any changes to that information. If the Appeals Commission cannot contact parties in a timely manner, the appeal process may be slowed or, possibly, adjourned.
- If a party, other than the appellant, is
 - not able to attend on the scheduled hearing date, they must:
 - obtain written agreement to an adjournment from the appellant and each of the other parties
 - contact the appellant, each of the other parties, and the Appeals Commission to set a new hearing date
 - not able to get agreement to an adjournment from other parties, they must tell the Appeals Commission as soon as possible, and no later than 14 days after the date of the Appeals Commission letter confirming the hearing date for the appeal.
- If there is a dispute about scheduling a hearing date or a date that has been scheduled, the Appeals Commission will notify the parties of a preliminary hearing date at which the Appeals Commission will consider the issues and make necessary decisions then, or shortly after.

Let the Appeals Commission know –

- *if your address or contact information changes*
- *if your representative changes*
- *if you cease to be a representative for a party to an appeal.*