

IN THE MATTER OF: THE WORKERS' COMPENSATION ACT, RSA 2000, c W-15

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## Order

<b>Motions panel:</b>	G. Godziuk L. Parish	Hearing Chair Commissioner
<b>Applicant:</b>	[REDACTED] [REDACTED]	Worker Applicant's Representative
<b>Respondent:</b>	[REDACTED] [REDACTED]	Employer Respondent's Representative
<b>Motion request:</b>	Interim Relief	
<b>Location:</b>	Edmonton	
<b>Motion heard:</b>	July 6, 2022	
<b>Order:</b>	Granted	

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[1] On June 22, 2022, the Applicant applied for interim relief.

[2] In considering this application, we have reviewed:

- All materials submitted as part of the application for interim relief;
- The Applicant's *Notice of Appeal* dated September 10, 2021;
- The Dispute Resolution and Decision Review Body (DRDRB) decision of August 30, 2021;
- Sections 13.1(2.4) and 13.1(2.2)(b) of the *Workers' Compensation Act*, RSA 2000, c W-15;
- Workers' Compensation Board (WCB) Policy 01-10, Parts I and II; and

- Appeals Commission Practice Guideline 7 – Requesting Interim Relief.

On the basis of the material before us, our Order is as follows:

- [3] The application for interim relief regarding claim ██████████ is granted the following reasons:

All criteria for interim relief cited in Policy 01-10 are met, namely:

- [3.1] Does the applicant have an arguable case? This criteria is met. While it is not for this panel to review the merits of the applicant's appeal, a review of the DRDRB decision supports that the applicant has a case that presents sufficiently detailed facts and arguments which are relevant in the decision in the case.
- [3.2] Does the decision under appeal affect the entitlement to current wage loss benefits and the sum in question is greater than \$500? This criteria is met. The issue of appeal is temporary partial disability wage replacement benefits retroactive to July 28, 2020. A successful appeal would result in current wage loss benefits in excess of \$500.
- [3.3] Is the applicant, spouse or adult interdependent partner ineligible for any other financial support? This criteria is met. The applicant has no partner or family to assist them. They state that they have no income and have been living off their depleted savings since their WCB interim relief benefits concluded in September 2021. They are ineligible for any other financial support.
- [3.4] Without interim relief, would the applicant and their family be placed in necessitous circumstances such as probable inability to afford basic necessities of life such as food, clothing and shelter, or face probable forfeiture or seizure of assets? This criteria is met. The applicant submitted a detailed monthly income and expense statement, bank statements, a copy of their current rental agreement, and financial demand letters which indicate that they have no income and have been living off their depleted savings since their WCB interim relief benefits concluded in September 2021. Currently, without WCB interim relief, the applicant is unable to pay her apartment rent and they are out of savings. They are ineligible for any other financial support.

We find the applicant has demonstrated that without interim relief, they would be placed in “necessitous circumstances” and would be at risk to afford the basic needs of food, clothing, shelter or would face significant financial hardship.

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This order is made with the full agreement of the motions panel.

Order signed in Edmonton, Alberta on July 7, 2022.

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G. Godziuk  
Hearing Chair  
On behalf of the panel

L. Parish    Commissioner

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