

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

Order

Motions panel:	J. Saunders R. Reimer	Hearing Chair Commissioner
Applicant:	[REDACTED] [REDACTED]	Worker Applicant's Representative
Respondent:	[REDACTED] [REDACTED]	Employer Respondent's Representative
Motion request:	Interim Relief	
Location:	Calgary	
Motion heard:	February 7, 2023	
Order:	Granted	

[1] On January 6, 2023, the Applicant applied to the Appeals Commission for interim relief. The application was received on January 17, 2023.

[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 October 27, 2022;
- The Dispute Resolution and Decision Review Body (DRDRB) decision of September 26, 2022;
- Sections 13.1(2.4) and 13.1(2.2)(b) of the *Workers' Compensation Act*, RSA 2000, c W-15;
- 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 Number [REDACTED] is granted for the following reasons:

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

- [4] **The Applicant has an arguable case.**

[4.1] The Applicant's representative submitted arguments to the DRDRB as to why the Applicant's request for review should be approved. While the DRDRB did not accept the arguments, we are satisfied the arguments show an arguable case for appeal can be made to the Appeals Commission.

- [5] **The decision under appeal affects the entitlement to current wage loss benefits and the sum in question is greater than \$500.00.**

[5.1] The decision of the DRDRB affects the worker's entitlement to temporary total disability (TTD) benefits, which are a form of wage replacement benefits.

[5.2] While the *Notice of Appeal* filed with the Appeals Commission refers to acceptance of responsibility for a psychological injury beyond a certain date, on review of the DRDRB decision, we are satisfied that the worker had been in receipt of TTD benefits prior to the date in question. The issue before the DRDRB included the worker's entitlement to TTD benefits and therefore, the issue under appeal could result in either those benefits resuming or being discontinued.

- [6] **The Applicant is not eligible for any other financial support.**

[6.1] The Applicant is a single parent with two dependents. He provided information indicating that he receives no other financial support. The Applicant's bank records also show no additional forms of financial support or other forms of income.

[6.2] We are satisfied that the Applicant is not eligible for any other financial support.

- [7] **Without interim relief, the Applicant and his family would be placed in necessitous circumstances, such as probable inability to afford basic necessities of life (e.g., food, clothing and shelter) or face probable forfeiture or seizure of assets.**

[7.1] The Applicant provided a summary of his family's income and expenses. Bank records were also provided showing the amounts flowing in and out of the Applicant's chequing account.

- [7.2] Based on this information, we are able to determine that the Applicant's expenses significantly exceed his income, by approximately \$4600 a month. The expenses set out in the documentation appear to be necessary expenses and the amounts do not appear unreasonable. There do not appear to be any extraneous expenses.
- [7.3] We are therefore satisfied that, without interim relief, the Applicant and his family be placed in necessitous circumstances.

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

Order signed in Calgary, Alberta on February 7, 2023.

J. Saunders
Hearing Chair
On behalf of the panel

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