

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

Order

Motions panel: J. Saunders
G. Brittain
Hearing Chair
Commissioner

Applicant: [REDACTED]
Worker

Respondent: [REDACTED]
Employer

Motion request: Interim Relief
Location: Calgary
Motion heard: April 13, 2023
Order: Denied

- [1] On February 22, 2023, the Appeals Commission received the Applicant's application 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* received February 22, 2023;
 - The Dispute Resolution and Decision Review Body (DRDRB) decision of July 11, 2022;
 - Sections 13.1(2.4) and 13.1(2.2)(b) of the *Workers' Compensation Act*, RSA 2000, c W-15 (*WCA*);
 - 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 denied for the following reasons.
- [4] The Applicant is arguing that he has an acceptable claim for a work-related injury. While the DRDRB did not accept the Applicant's arguments, we are satisfied the arguments show an arguable case for appeal can be made to the Appeals Commission. Therefore, there is sufficient evidence to find the Applicant has an arguable case. He meets this policy criterion.
- [5] However, the other criteria for interim relief cited in Policy 01-10 are not met.
- [6] For example, we find that the Applicant has not met the criterion for the decision under appeal to affect the entitlement to current wage loss benefits and the sum in question to be greater than \$500.00.
- [6.1] The issue that the worker is appealing to the Appeals Commission is whether he has an acceptable WCB claim for a right knee injury. A decision that a worker has an acceptable claim does not include automatic entitlement to wage loss benefits. If a claim is accepted, the WCB will make a further decision whether the compensable injury has resulted in wage loss, and whether wage loss benefits are due.
- [6.2] The July 11, 2022 DRDRB decision does not address entitlement to wage loss benefits. Even if the Appeals Commission allowed the appeal, the Appeals Commission would have no jurisdiction to make a decision about wage loss benefits.
- [7] As we have found the criterion about entitlement to wage loss benefits is not met, it is not necessary for us to consider the remaining criteria because Policy 01-10 states that all criteria must be met for an application for interim relief to be successful. That being said, we add that the Applicant provided no financial information, explanation or supporting documentation addressing the policy criteria. The application form contained limited and irrelevant information (for example, "yes" and "no" answers with no details) and documents that appear to relate to a criminal charge against another person.

- [8] Therefore, even if we had found that the above criterion related to entitlement to wage loss benefits was met, the remaining information provided would be insufficient to support an interim relief application.
- [9] The application for interim relief is denied.

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

Order signed in Calgary, Alberta on April 13, 2023.

J. Saunders
Hearing Chair
On behalf of the panel

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