

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

Order

Motions panel: R. Reimer Hearing Chair

Applicant: [REDACTED] Worker

Respondent: [REDACTED]

Motion request: Interim Relief
Location: Edmonton
Motion heard: November 19, 2020
Order: Denied

- [1] On November 6, 2020, 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 Applicants Notice of Appeal dated May 26, 2020;
 - The Dispute Resolution and Decision Review Body decision of January 8, 2020;
 - 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 ██████████ is denied for the following reasons:
- [3.1] Does the worker have an arguable case? This criteria is met. While it is not for this panel to review the merits of the worker's appeal, a review of the Dispute Resolution and Decision Review Body (DRDRB) decision supports that the worker has a case that presents sufficiently detailed facts and identifies factual issues which are plausible and which could substantially affect 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 worker's issue of appeal is unreduced earnings loss payment benefits from January 1, 2020 ongoing. A successful appeal would result in current wage loss benefits in excess of \$500.
- [3.3] Is the worker, spouse or adult interdependent partner ineligible for any other financial support? This criteria is not met. The worker has responded to this question by answering no, but has provided no details or evidence to support this statement.
- [3.4] Without interim relief, would the worker and his 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 not met. The worker has responded to this question by answering yes but has provided no evidence, such as past due utility bills, past due rent notices, credit card statements or bank statements, which would support this statement.

- [4] To qualify for interim relief, a worker must meet all conditions cited in Policy 01-10. Having determined that the worker does not meet the criteria for two of the four conditions, he does not qualify for interim relief.

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

Order signed in Edmonton, Alberta on November 20, 2020.

R. Reimer
Hearing Chair
On behalf of the panel

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