

Appeals Commission decisions are final and binding. Circumstances where a decision may be reviewed are limited. This information sheet is intended only to provide general information about options available to you after an Appeals Commission decision has been issued.

1. Who gets a copy of this decision?

A copy of the decision will be sent to the worker, employer, any representatives involved in the appeal, and the WCB.

2. Can I contact the hearing panel directly after the decision is issued?

No. Your contact remains the Appeals Officer who was assigned to your appeal.

3. What do I do if I have concerns about WCB's implementation of an Appeals Commission decision?

The WCB is bound by decisions of the Appeals Commission. The WCB has 30 days to implement Appeals Commission decisions, unless a different timeline is set out in the decision. Once a decision is issued, the Appeals Commission's file is closed.

If you have concerns with the implementation of an Appeals Commission decision, please contact the WCB. You may also wish to seek legal advice. New decisions made by the WCB regarding implementation may be subject to the usual appeals process.

4. What does it mean if the Appeals Commission sends my issue back to the WCB for further adjudication?

If the panel sends an issue back for further adjudication, it will explain the reasons in the decision. For example, the panel did not have enough information to make a decision.

5. What if there is an error in the Appeals Commission decision?

The Appeals Commission has the power to correct any obvious slips, typographical errors, errors of calculation, misstatements or technical errors, or omissions in its decisions. You may receive notice of a correction before or after the correction has been issued.

If you identify an error in your Appeals Commission decision, contact your Appeals Officer.

6. What can I do if I require clarification regarding my Appeals Commission decision?

You may ask the Appeals Commission to clarify any directions in your decision. Directions are instructions given to the WCB and are usually found at the end of the decision. To request a clarification, contact your Appeals Officer.

7. What can I do if I am dissatisfied with the Appeals Commission decision?

If you are dissatisfied with a decision of the Appeals Commission you have the following options:

- File a Reconsideration Application with the Appeals Commission.
- Pursuant to section 13.4 of the *Workers' Compensation Act*, appeal to the Court of Queen's Bench on a question of law or jurisdiction.
- Pursuant to Rule 3.15 of the Alberta *Rules of Court*, make an application to the Court of Queen's Bench for judicial review.
- File a complaint with the Alberta Ombudsman.

8. What is the Appeals Commission reconsideration process?

You may ask the Appeals Commission to reconsider a decision based on a significant defect or new evidence. The Appeals Commission may also reconsider a decision on its own motion. A Reconsideration Application is not an additional level of appeal, and is not an opportunity to reargue the case or express disagreement with the decision. For more information on the reconsideration process and the time limits for a reconsideration application, please see *Practice Guideline #5: Application to Reconsider a Decision*.

9. What if the Appeals Commission didn't have an important piece of evidence or I have new evidence regarding my appeal?

You may request a reconsideration on the basis of new evidence. For further information, see *Practice Guideline #5: Application to Reconsider a Decision*.

10. What can the Court of Queen's Bench do?

The Court of Queen's Bench is limited in how it reviews Appeals Commission decisions. The court does not rehear the appeal. It reviews how and why the Appeals Commission reached its decision. If a review by the court identifies a problem in the way the Appeals Commission reached its decision, the court can order a re-hearing of the appeal by the Appeals Commission.

11. How do I file an application with the Court of Queen's Bench?

The Appeals Commission cannot provide any legal advice with respect to court applications. We encourage you to seek legal advice before proceeding with this option. Please be aware that court applications must be filed within six months of the date the Appeals Commission issues its decision. Court applications are also subject to strict rules about who must be notified of the application within the six month period. Failure to serve all of the necessary persons within the time limit could mean that the application will not be allowed to proceed. In most cases, the application must be served on the Appeals Commission, the Workers' Compensation Board, the employer and the Minister of Justice and Solicitor General for Alberta.

12. How do I get help if I want to go to court?

If you are unable to retain legal counsel, you can contact the Resolution and Court Administration Services (RCAS) for assistance at 1-855-738-4747.

RCAS can also be reached online at:

<https://www.alberta.ca/rcas.aspx>

13. What does the Ombudsman do?

The Alberta Ombudsman responds to complaints of unfair treatment by public bodies including the Appeals Commission. The Ombudsman may refuse to investigate a matter if you have had knowledge of the issue or complaint for more than 12 months.

14. How do I file a complaint with the Ombudsman?

To file a complaint with the Ombudsman, you can visit the website at www.ombudsman.ab.ca or call at (780) 427-2756 in Edmonton or (403) 297-5121 in Calgary. The toll-free line for those outside Alberta is 1-888-455-2756.

15. Am I restricted to only one of the above options if I am dissatisfied with my decision?

No. You may pursue multiple avenues of review of your decision, if you would prefer. However, note that applying for reconsideration does not extend the six-month time limit on judicial review/appeal, or vice versa. Additionally, the Ombudsman will often wait to proceed with an investigation until time limits for alternate remedies have expired and any ongoing matters have been resolved.

**FOR OUR COMPLETE APPEAL RULES AND PRACTICE GUIDELINES,
PLEASE VISIT OUR WEBSITE AT:**

www.appealscommission.ab.ca