

Preparing Your Appeal



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This document is an optional resource that can help you prepare and present your appeal. **It only contains basic information** so it is important that you also read the original documents listed in the 'Resources' section on the next page.



The appeal hearing

The Appeals Commission is not part of the Workers' Compensation Board (WCB). It is a separate and final level of appeal for workers, employers or others who disagree with a WCB Dispute Resolution and Decision Review Body decision.

Our appeals commissioners make up a hearing panel that holds a hearing. The hearing panel takes a fresh look at the issue of appeal and makes a final and binding decision based on the evidence.

The evidence for your appeal is in the Appeal Documents Package (ADP). The ADP includes information about your appeal from your WCB claim file. You can also give us other evidence you think is important but which is not in the ADP. You can provide that evidence before and at the hearing.

The ADP and any other evidence is shared with the panel and parties to the appeal.

When they are making the decision, appeals commissioners consider the Workers' Compensation Act ([WCA](#)), its Regulations, and the Workers' Compensation Board Policies and Information Manual ([WCB Policy](#)). The panel will ask themselves questions based on the WCA and WCB Policy when deciding on your issue of appeal.

In answering those questions, the panel listens to arguments about how the evidence meets the requirements of the WCA and WCB Policy. If the panel thinks there is enough evidence (called the weight of evidence) to meet the requirements, the appeal is successful. Your job is to help the panel answer those questions by showing them how the evidence meets the requirements.

The issue of appeal

The information sheet on the next page gives you basic information on a specific issue of appeal, including:

- A brief definition of the issue of appeal
- WCA sections the hearing panel may consider
- WCB Policies the hearing panel may consider
- Questions the panel may ask themselves to see if you meet the requirements
- Examples of pieces of evidence you may want to use to show the hearing panel how you meet the requirements, and to help them answer those questions
- Sample decisions from hearing panels on the same issue of appeal

Keep in mind that each hearing is unique. You, another party, or your hearing panel may want to speak to issues, questions and pieces of evidence not listed on the next page.

Make sure you are prepared by knowing what is in the ADP.



June 3, 2025

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