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The Chief Appeals Commissioner has a series of Practice Guidelines to help people who are involved in an appeal to the Appeals Commission. Please contact us for additional Practice Guidelines, *Appeal Rules*, or other information.

For more information, contact the Appeals Commission for Alberta Workers' Compensation at:

<p>Edmonton 1100, 10405 Jasper Avenue Edmonton, AB T5J 3N4 Tel: 780-412-8700 Fax: 780-412-8701</p>	<p>Calgary 2300, 801 – 6th Avenue SW Calgary, AB T2P 3W2 Tel: 403-508-8800 Fax: 403-508-8822</p>
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or, through our web site at www.appealscommission.ab.ca

Let us know if:

- your address or contact information changes
- you choose a representative or your representative changes
- you are no longer a representative for a party to or participant in an appeal

A. Information about Interim Relief

Interim relief is a benefit intended to ease financial hardship while waiting for the outcome of an appeal.

This guideline refers only to applications for interim relief made directly to the Appeals Commission.

You may only submit an *Application for Interim Relief* to the Appeals Commission if you have also filed a *Notice of Appeal* of a Dispute Resolution and Decision Review Body (DRDRB) decision. It is recommended that you submit the *Application for Interim Relief* as soon as possible when you file a *Notice of Appeal* form.

Be sure to include all the documents you think are relevant. Make sure your application speaks to the criteria in WCB's interim relief policy 01-10. WCB's Policy Manual is available on its website at www.wcb.ab.ca.

The Appeals Commission can only grant interim relief in accordance with WCB's policy.

If you were granted interim relief by the DRDRB in relation to the DRDRB decision that you have appealed to the Appeals Commission, please see Section C of this guideline for more information.

Note: If you are appealing a DRDRB decision about interim relief, that decision is subject to the usual appeals process. In such a case, you need to file a *Notice of Appeal* of the DRDRB decision on interim relief to the Appeals Commission. Please see [Practice Guideline #1](#) for more information about filing an appeal.

B. What is Interim Relief?

Interim relief is a benefit intended to ensure a worker is financially able to meet basic living expenses during the appeal process or an employer is able to continue operating while a decision is under appeal.

When an appeal can affect a worker's wage replacement benefits or an employer's ability to continue to operate, the Appeals Commission may direct the WCB to provide interim relief in accordance with their policy.

Sections 13.1(2.2)(b) and 13.1(2.4) of the *Workers' Compensation Act* addresses the Appeals Commission's ability to direct interim relief.

C. What if the DRDRB Granted Interim Relief?

If you were granted interim relief by the DRDRB, WCB Policy 01-10 says that if you appeal the matter to the Appeals Commission within 60 days of the DRDRB decision, the Appeals Commission can presume that you still qualify for interim relief unless a material change in financial circumstances is shown.

Although interim relief can be granted under this presumption, it is not automatic or guaranteed. It is very important that you provide the Appeals Commission with all of the information requested in the *Application for Interim Relief*.

D. Applying for Interim Relief

To apply for interim relief, complete the *Application for Interim Relief* form. You can get a paper copy by downloading and printing a copy from our website, www.appealscommission.ab.ca, or from one of our offices (see page 1 of this guide for contact information). Note that you can also submit the form online through our website.

This form should be filed at the same time you submit your *Notice of Appeal* form, or as soon as possible afterwards. Generally, we will not accept applications submitted after the hearing has concluded.

Your application must outline your reasons for requesting interim relief. The Appeals Commission must apply the WCB's policy on interim relief. WCB Policy 01-10 describes the situations where interim relief may be granted.

When you apply for interim relief, you must include all information you think is relevant.

In particular, if you were granted interim relief by the DRDRB, you need to provide the Appeals Commission with:

- the date of the DRDRB decision you are appealing to the Appeals Commission;
- a copy of the DRDRB decision on interim relief;
- copies of all of the documents you provided to the DRDRB to get interim relief; and
- all of the information requested in section 4 of the *Application for Interim Relief*.

In completing Section 4 of the *Application for Interim Relief*, there are several types of documents you may wish to include as follows:

For Workers:

- Documents that show that you, your spouse or partner are not able to get financial support, like money or benefits, from anywhere else. For example, a document from a government agency or organization which provides money or other benefits to people, like Employment Insurance, Assured Income for the Severely Handicapped or Income Support.
- Documents showing information about mortgage, rent or lease payments and about your ability to make the payments.
- A monthly income and expense statement. This includes a list of how much money you receive each month and from where. It also includes a list of how much money you spend each month and what you spend it on.

For Employers:

- Documents that show the decision being appealed to the Appeals Commission may impact your assessed premiums by more than \$500.
- Documents that show that you will not be able to continue operating while waiting for the Appeals Commission's decision.

- Documents that show that you will have to lay off a significant number of employees while waiting for the Appeals Commission's decision.
- These documents can include financial statements, a letter from a bookkeeper, a letter from an accountant, or anything else you think is relevant.

Our decision will be based on the documents that you submit, along with your *Notice of Appeal* form and the DRDRB decision(s) under appeal.

You cannot apply for interim relief when filing an *Application for Extension of Time or Reconsideration Application*.

Please refer to Sections G and H for more information on how the Appeals Commission makes decisions on interim relief applications.

E. Do you have a Representative?

The form includes a section about representation.

If you have a representative who is assisting you with your application for interim relief, you must submit a separate *Notice of Representation* form which is valid for two (2) years from the date it was signed. This authorizes us to work with your representative.

If you do not have a representative, or if you have a representative for your appeal of the DRDRB decision but not for your application for interim relief, check the box that says "I Will Represent Myself" in your application for interim relief.

If you do not have a representative for your application for interim relief but plan to get one, check the box that says "I Plan to Get a Representative" in your application for interim relief and send us a completed *Notice of Representation* form once you have a representative.

F. Filing Your Application

You must send your *Application for Interim Relief* form to one of our offices by:

- submitting the form online through our website;
- e-mail addressed to AC.AppealsCommission@gov.ab.ca;
- mail;
- fax; or
- courier, or deliver it personally to an Appeals Commission office (see page 1 of this guide for contact information).

G. Processing Your Application

Our goal is to make decisions on *Applications for Interim Relief* as quickly as possible.

If you are a worker applying for interim relief, the application will not be shared with the employer. Interim relief costs are not charged to the employer's account.

If you are an employer applying for interim relief, the application will not be shared with the worker. Interim relief costs will have no effect on a worker's entitlement to benefits.

Your application will be shared with the WCB, but it will not be making submission about your application.

When your application is received, we will refer it to a panel for a decision. The Chief Appeals Commissioner can authorize an appeals commissioner to sit alone to make a decision on interim relief. Depending on the circumstances, a panel of two or more may be authorized instead.

The decision-making will usually be done on a documentary basis so that we can decide these applications as soon as possible. You may request an in-person hearing but this could delay the process and increase the time you will wait for a decision. The Appeals Commission will make the final decision on how to hear your application.

Your decision may be issued in the form of an Order.

H. How Does the Appeals Commission Decide?

The Appeals Commission can only grant interim relief in accordance with policies established by WCB. WCB's Interim Relief Policy can be found under Policy 01-10. WCB's Policy Manual is available on their website at www.wcb.ab.ca.

I. Conditions on Interim Relief

The Appeals Commission may grant interim relief with conditions. Interim relief could be discontinued if the conditions are not met. Some things the Appeals Commission may consider include,

- The availability of you or your representative to attend hearings in a timely manner
- Whether there has been a pattern of adjournments
- Whether requests for additional medical evidence have been made

The panel will determine the time period in which interim relief should be paid. The panel may set other conditions depending on the circumstances of the case.

J. What Happens After You Get the Decision?

The Appeals Commission will send you a written decision on your application. The WCB will also get a copy of the decision. No other party will receive a copy of the decision. This decision is final, and we will not accept multiple applications for interim relief on the same appeal. Please note that Interim Relief decisions are not published on CanLii.

Unless otherwise noted, the WCB has 30 days to implement an Appeals Commission decision as per section 13.3(2) of the *Workers' Compensation Act*.

If your application is granted, the WCB will provide interim relief as per their policies and procedures. Please contact the WCB if you have any questions or concerns about how interim relief is paid.

The information included in your *Application for Interim Relief* as well as the decision on the application cannot be used as evidence in the hearing on your appeal issue(s). The Commissioner who issues the decision on your application will not be part of the panel who hears your appeal issues.

K. Dissatisfied With the Decision?

Parties that are dissatisfied with a decision of the Appeals Commission have the following options:

- Pursuant to section 13.4 of the *Workers' Compensation Act*, appeal to the Court of King's Bench on a question of law or jurisdiction within six months of the date of our decision.
- Pursuant to Rule 3.15 of the *Alberta Rules of Court*, make an application for judicial review within six months of the date of our decision.
- File a Reconsideration Application within six months of the date of our decision. *See Practice Guideline #5 - Application to Reconsider a Decision* for more information. Note that applications for reconsideration do not extend the six month limitation period of the Courts.
- File a complaint with the Office of the Ombudsman.