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Appendix A: Interim Relief: Information Note

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.

- Interim relief is a benefit intended to ease financial hardship while waiting for the outcome of an appeal.
- To apply for interim relief, submit the Application for Interim Relief form as soon as possible when you file a Notice of Appeal.
- 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
- The Appeals Commission can only grant interim relief in accordance with WCB’s policy
- This guideline refers only to applications for interim relief made directly to the Appeals Commission

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. 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.

This guideline refers only to applications for interim relief made directly to the Appeals Commission. Any decisions about interim relief made by the WCB are subject to the usual appeals process.

B. Applying for Interim Relief

To apply for interim relief, complete the *Application for Interim Relief* form. You can download the form at www.appealscommission.ab.ca. You can also get copies from one of our offices.

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. WCB's Policy Manual is available on its website at www.wcb.ab.ca

Be sure to include all documentation you think is relevant to the issue of interim relief with your application. The decision will be made based only 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 Section E for more information on how the Appeals Commission makes decisions on interim relief applications.

C. Filing Your Application

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

- mail
- fax
- courier
- personal delivery to an Appeals Commission office (see page 1 of this guideline for office locations)

We do not accept applications by e-mail.

D. 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.

Applications will be shared with the WCB. The WCB is given 14 days to respond to the application and can only provide arguments on the proper interpretation and application of the interim relief policy.

When all submissions are received, we will refer your application 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 your application. 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.

E. 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. For ease of reference, a copy of the WCB's Interim Relief Policy can be found as an appendix at the back of this guideline.

F. 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.

G. 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. 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.