

**Alberta WCB
Policies &
Information**

Chapter:

GENERAL POLICIES

Subject:

RECONSIDERATIONS, REVIEWS, AND APPEALS

Authorization:

BoD Resolution 2024/03/08

Date:

April 30, 2024

REFERENCE:

[*Workers' Compensation Act, RSA 2000*](#), Sections [9.3](#), [9.4](#), [13.1](#), [13.2](#), [17](#), [21\(3\)](#), [142](#), [143](#), and [147](#)

[*Workers' Compensation Regulation*](#), Section [11](#)

POLICY:

Sections 17(3) and 13.1(7) of the *Workers' Compensation Act (WCA)* give WCB and the Appeals Commission (AC) the authority to *reconsider* any matter that they have previously dealt with.

Under sections 9.3 and 9.4 of the *WCA*, a person who is dissatisfied with a claim or employer account decision and who has a *direct interest* in that decision has the right to seek a *review of the decision* through WCB's internal Dispute Resolution and Decision Review Body (DRDRB).

Under sections 13.1 and 13.2 of the *WCA*, a person who is dissatisfied with a claim or employer account decision and who has a *direct interest* in that decision has the right to *appeal the decision* through the external AC.

WCB, DRDRB, and the AC may consider any *new evidence* and, if appropriate, amend or rescind their previous decision.

The effective date of an amended decision depends on the *nature of the decision*.

This policy is effective **July 1, 2024**, and applies to all decisions and administrative reviews on or after that date, except when noted otherwise in a specific policy section(s).

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INTERPRETATION

1.0 Reconsider a previous decision

A reconsideration is when WCB, DRDRB, or the AC reviews **their own** previous decision on a claim or employer account matter and confirms, varies, or reverses that decision.

See Application 1 for general information on reconsiderations, and Application 2 for reconsiderations when information is submitted as new evidence.

2.0 Direct interest

Direct interest means:

- in the case of a claim-related decision, a person who has a direct interest in that claim for compensation (generally the injured worker, the worker's dependant(s), or the accident employer)
- in the case of a premium assessment or employer account decision, a person who has a direct interest in that premium assessment or account decision (generally the employer)

Under sections 9.4 and 13.2 of the *WCA*, *assessment* refers to employer account decisions, not an assessment of a worker on a claim-related matter.

3.0 Review a decision

WCB has an internal review body that conducts reviews of claim and employer account decisions made by WCB. This body is called the Dispute Resolution and Decision Review Body. For more information, see Application 3.

4.0 Appeal a decision

The *WCA* establishes the Appeals Commission as a separate external appeal body with exclusive jurisdiction to hear appeals on decisions concerning claims issues or employer accounts made by the DRDRB, as well as determinations by WCB made under s.21(3). For more information, see Application 3.

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5.0 New Evidence

For the purposes of this policy, new evidence is new information that may affect a previous workers' compensation decision. To be considered new evidence, the new information must meet all of the following criteria:

- the evidence is **material**; and
- the evidence is **new**; and
- the evidence was **not reasonably available at the time the decision was made**; and
- the evidence is **substantive**; and
- the evidence is **probative**; and
- the evidence is **factual and objective**

See Application 2 for details on what does and does not meet the definition of new evidence and for details on how decisions relating to new evidence are made.

6.0 Nature of the Decision

The decision may be either a decision on a claim or an employer's account. When a decision:

- results in a change in benefits, the effective date is retroactive to the date the worker or dependant was entitled (benefit increases) or was not entitled (benefit decreases) to the benefits
- results in a premium change, the effective date is determined by the specific policy dealing with the type of change. See Policy 06-03, *Premiums*, for changes in reported assessable earnings, and Policy 07-01, *Classification*, for classification changes

For more information on implementing a changed decision, see Application 4.

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Please see Part II for additional information on the following subjects:

Application

- 1 – [Reconsiderations \(General\)](#)
- 2 – [Reconsiderations \(New evidence\)](#)
- 3 – [Reviews and appeals](#)
- 4 – [Implementing a changed decision](#)

[Document History](#)

Previous versions

- [Policy 0108 Part I - April 2021](#)
- [Policy 0108 Part I - April 2018](#)
- [Policy 0108 Part I - August 2015](#)
- [Policy 0108 Part I - June 2010](#)
- [Policy 0108 Part I - January 2004](#)
- [Policy 0108 Part I \(1st Issue\) - October 2002](#)