

**Alberta WCB
Policies &
Information**

Chapter:

GENERAL POLICIES

Subject:

NEW EVIDENCE

Authorization:

BoD Resolution 2009/09/24

Date:

October 27, 2009

REFERENCE:

[*Workers' Compensation Act, RSA 2000, Sections 9.4, 17, 142, and 143*](#)

POLICY:

WCB will consider any *new evidence* and, if appropriate, amend or rescind its previous decision. The effective date of the amended decision depends on the *nature of the decision*.

This policy is effective June 1, 2010, and applies to all decisions and administrative reviews on or after that date, except when noted otherwise in a specific policy section(s).

INTERPRETATION**1.0 New Evidence**

New evidence is new information that may affect the outcome of a workers' compensation decision. It must meet two basic criteria:

1. the evidence is material (relevant) to the issue in question
2. the evidence is substantive – it gives new information that was not previously available to the decision-maker and could affect the outcome of the decision

Information is not new evidence when it simply summarizes or reformats information that was considered by the decision-maker when the decision was made. For example, a medical report is not new evidence if it consists of the same clinical findings, by the same or another physician, already taken into account by the decision-maker. A medical report may be new evidence if, for example, new clinical findings lead to a change in diagnosis.

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1.0 New Evidence (continued)

New evidence includes:

- health information
- work-relatedness
- fitness to work earnings information
- information about employer operations
- administrative review findings that identify previous errors or omissions
- appeal findings
- various other relevant facts

The principles of fairness and natural justice generally require that WCB considers all relevant evidence, new or otherwise, when reviewing a decision. However, WCB expects that interested parties will make all reasonable efforts to provide all relevant information when the initial decision is made. If new evidence was reasonably available to the party at the time of the initial decision, WCB will take into consideration why the information was not provided at the time. Depending on the circumstances, WCB may decide not to accept the information as new evidence.

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2.0 Nature of the Decision

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

When the decision on a claim results in a change in benefits, the effective date is retroactive to the date that the worker or dependant was entitled (benefit increases) or was not entitled (benefit decreases) to the benefits.

When the decision on an employer account 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.

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

Application

- 1 – [Interaction with the Review and Appeal Processes](#)
- 2 – [Claims](#)

[Document History](#)**Previous versions**

- [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](#)