

**Alberta WCB
Policies &
Information**

Chapter:

GENERAL POLICIES

Subject:

NEW EVIDENCE

Authorization:

BoD Resolution 2002/10/51

Date:

September 24, 2002

APPLICATION 1: INTERACTION WITH THE REVIEW AND APPEAL PROCESSES**1. *Who decides whether information that has been provided is new evidence?***

The determination of new evidence is made by the body that is being asked to reconsider a decision.

When the decision in question was made by one of the review or appeal bodies [Dispute Resolution and Decision Review Body (DRDRB), Appeals Commission], that review or appeal body will determine whether the information submitted with the request for reconsideration is, in fact, new evidence as defined in Part I, Interpretation 1.0 of this policy. Otherwise, WCB will make the determination.

A decision about whether submitted information is new evidence is subject to the same right of review or appeal as any other adjudicative decision made by the determining body.

2. *Do the time frames for submitting a request for review or appeal also apply to submitting new evidence?*

There is no time limitation for submitting new evidence. Section 17(3) of the *WCA* gives WCB the authority to reconsider any matter that it has previously dealt with.

There may be practical limitations when the new evidence relates to a decision made several years in the past. Review and reconsideration in these cases may be limited by WCB's ability to contact witnesses or obtain necessary additional information such as medical records, etc.

3. *What happens when new evidence relates to a decision made by a review or appeal body?*

When new evidence is submitted to support a request for reconsideration of an issue previously decided by one of the review or appeal bodies, the matter will be referred to the appropriate body.

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4. *When WCB reviews a previous decision, is the outcome of the review a new decision?*

Two factors determine whether the outcome of a review of a previous decision constitutes a new decision:

- a) was new evidence made available?
- b) was the original decision changed or overturned as a result of the review?

To be considered “new”, any information provided must meet the criteria for new evidence set out in Part I, Interpretation 1.0 of this policy.

New evidence available

If the review includes new evidence, the outcome of the review is a new decision. This is the case regardless of whether the outcome confirms or changes the original decision.

No new evidence

If there is no new evidence, WCB may still review the previous decision. However, the outcome of the review is a new decision only when, as a result of the review, the original decision is overturned or modified. The outcome is *not* a new decision if it simply confirms the original decision.

5. *How does the outcome of a review of a previous decision affect the time frame for appeal?*

When a WCB review results in a new decision (see Question 4), interested parties have the same rights of review by DRDRB and appeal to the Appeals Commission as with any other decision (see General Information G-2, *The Review and Appeal Process*).

When a WCB review does *not* result in a new decision, the time frames for review (DRDRB) or appeal of the original decision are not affected. Requests for review or appeal must be made within one year from the date of the original decision.

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Outcome of a review of a previous decision and time frame for appeal (continued)

Note: For DRDRB decisions made between September 1, 2018 and March 31, 2021, requests for an appeal to the Appeals Commission must be made within two years of the DRDRB decision.

6. When is this policy application effective?

This policy application (Application 1 – Interaction with the Review and Appeal Processes) is effective October 1, 2002, and applies to all decisions and administrative reviews on or after that date, except when noted otherwise in a specific policy section(s).

[Document History](#)

Previous versions

- [Policy 0108 Part II - September 2018](#)
- [Policy 0108 Part II - April 2018](#)
- [Policy 0108 Part II - August 2015](#)
- [Policy 0108 Part II - January 2006](#)
- [Policy 0108 Part II - January 2004](#)
- [Policy 0108 Part II - January 2003](#)
- [Policy 0108 Part II \(1st Issue\) - October 2002](#)