

**Alberta WCB  
Policies &  
Information**

Chapter:

**GENERAL POLICIES**

Subject:

**RECONSIDERATIONS, REVIEWS, AND APPEALS**

Authorization:

**BoD Resolution 2024/03/08**

Date:

**April 30, 2024**

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**APPLICATION 3: REVIEWS AND APPEALS****1. *What is the difference between a review and an appeal?***

A review is **internal**, through WCB's Dispute Resolution and Decision Review Body (DRDRB). 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 DRDRB.

An appeal is **external**, through Alberta's Appeals Commission (AC). The AC is a separate appeal body with exclusive jurisdiction to hear appeals on decisions concerning claims issues or employer accounts made by the DRDRB, as well as determinations made by WCB under s.21(3).

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. Most appeals, except for those under s. 21(3), are from decisions of the DRDRB (see Question 5).

For reconsiderations, see Applications 1 and 2.

**2. *Who may request a review or an appeal?***

A person with a *direct interest* (see Question 3) in a claim or an employer account decision may request an internal review of the decision by DRDRB or may appeal DRDRB's decision to the AC.

If a person with a direct interest has an authorized representative (see Question 6), the representative may request the review or appeal on the person's behalf.

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3. *What is a 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)

4. *Does a request for review or appeal need to be in writing?*

Yes, a request for a review or an appeal must be made in writing.

5. *Does there need to be a DRDRB decision before an appeal to the AC?*

Yes, DRDRB must conduct an internal review and issue its decision before a formal appeal may be made to the AC, *except* for determinations made under s.21(3) of the *WCA* which can be appealed directly to the AC without a DRDRB decision.

Under s.21(3), any party to an *action* may, on notice to the other parties, apply to WCB for determination of whether a worker who is a party to the action is entitled to compensation under the *WCA* and *WC Regulation*.

6. *Do parties need someone to represent them, or can they represent themselves?*

The review and appeal processes are informal. A party with a direct interest in the review or appeal may handle the review or appeal themselves.

If a party with direct interest in a review or appeal prefers, they can authorize a representative to participate in the review or appeal on their behalf. An authorized representative may be a lawyer, consultant, family member, or anyone else with the appropriate written authorization. Signed authorization is required, confirming the

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*Authorized representatives  
(continued)*

representative has the authority to act on behalf of the interested party.

The party who authorizes a representative is responsible for any fees charged by that representative.

Injured workers and eligible employers also have the option to ask for assistance from the Advisor Office for Alberta Workers' Compensation. The Advisor Office is established by the Government of Alberta and is independent from WCB.

**7. *Who can request and receive information related to a review or appeal?***

Under s.147 of the *WCA*, if a matter is being reviewed or appealed, the following individuals are entitled to copies of information in WCB's possession that relates to the claim or employer matter under review or appeal, including personal information:

- the worker, or the worker's authorized representative;
- in the case of the death or incapacity of the worker, the worker's personal representative or dependant, or the authorized representative of any of them;
- the employer or the employer's authorized representative;
- a person with a direct interest (see Question 3) in the claim or employer matter that is the subject of the review or appeal, or the authorized representative of that person.

See Question 6 for information on authorized representatives.

For more information on disclosure of information, see Policy 01-02, Part II, Application 2.

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**8. *Is there a time limit for filing a request for review with WCB's DRDRB?***

Yes, if a party with a direct interest disagrees with a WCB decision they have one year from the date of the decision to request, in writing, an internal review by DRDRB.

**9. *Can the time limit for filing a request for review with DRDRB be extended?***

A party may apply in writing to the Chair of DRDRB (or their delegate) to extend the time period. An extension may be granted when the DRDRB determines there is a justifiable reason for the extension. Examples of a justifiable reason for an extension of the time period might include, but are not limited to:

- There was a lack of proper notice that left the interested party unaware of the decision and that party took reasonable and timely steps to file the request for review once they became aware of the decision
- The interested party relied on someone else that they trusted to file the request for review on their behalf, it was reasonable for them to rely on that person and, once they became aware that the person had failed to file the request for review, they took reasonable and timely action to file
- The interested party was unable to request a review due to diagnosed mental or physical incapacity or they were prevented from doing so because of some other valid reason

In considering whether to grant the extension or not, the DRDRB Chair (or their delegate) considers the reasons for late filing and the overall fairness of granting an extension. For example, over time, evidence may be lost, medical information may no longer be available, the medical condition may change, and this may impact DRDRB's decision to grant the extension or not.

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### *DRDRB time limit extension (continued)*

In cases where an extension is granted, the DRDRB Chair (or their delegate) may impose conditions, such as the setting of deadlines for certain things to be done.

### 10. *Is there a time limit for filing an appeal with the AC?*

Yes, if a party with a direct interest is dissatisfied with a DRDRB decision, or a determination made under s.21(3), they have one year from the day of the DRDRB decision or WCB determination under s.21(3) to file, in writing, an appeal with the AC.

The AC, not WCB or DRDRB, considers time extensions for appeals.

### 11. *Is there financial support available to workers and employers during the review or appeal process?*

Temporary financial support, called interim relief, may be available to workers and employers while a decision is under review or appeal. It is provided in **exceptional circumstances** where workers and employers can demonstrate financial need.

For more information on interim relief, see Policy 01-10, *Interim Relief*.

### 12. *Where can I get additional information and resources?*

For more information on:

- legislative provisions related to review and appeal, see sections 9.3, 9.4, 13.1, 13.2, and 21(3) of the *WCA* and s.11 of the *WC Regulation*
- DRDRB and the internal dispute resolution and decision review process, contact WCB directly or see WCB's website at: [www.wcb.ab.ca](http://www.wcb.ab.ca)
- the AC and external appeals, contact the AC directly or see their website at: [www.appealscommission.ab.ca](http://www.appealscommission.ab.ca)

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*Additional resources  
(continued)*

- the Advisor Office for Alberta Workers' Compensation, contact the Advisor Office directly or see their website at: <https://advisoroffice.alberta.ca>

**13. *When is this policy application effective?***

This policy application (Application 3 – Reviews and Appeals) is effective July 1, 2024, and applies to all reviews and appeals made on or after that date, except when noted otherwise in a specific policy section(s).

[Document History](#)