

**Alberta WCB  
Policies &  
Information**

Chapter:

**GENERAL POLICIES**

Subject:

**RECONSIDERATIONS, REVIEWS, AND APPEALS**

Authorization:

**BoD Resolution 2024/03/08**

Date:

**April 30, 2024**

**APPLICATION 4: IMPLEMENTING A CHANGED DECISION**

- 1. *What is a changed decision?*** Previous decisions may be changed following an appeal, a review, or a reconsideration (due to new evidence or administrative reviews that identify previous errors or omissions).

If a previous decision is changed, WCB implements that decision. For example, this may include a change to a worker’s benefits or a change to an employer’s classification or premium.

For reconsiderations, see Applications 1 and 2. For reviews and appeals, see Application 3.
- 2. *When are changed decisions effective?*** The effective date of a changed decision depends on whether it is a result of a reconsideration, review, or appeal.
- 3. *What is the effective date of a decision changed by a reconsideration?*** If a decision is changed following a reconsideration that:

  - results in a change in benefits, the effective date is the date the worker or dependant became entitled (benefit increases) or was not entitled (benefit decreases) to the benefits, subject to policies in effect on that effective date
  - 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
- 4. *What is the effective date of a decision changed by a review by DRDRB?*** If a review by the Dispute Resolution and Decision Review Body (DRDRB) results in a changed decision, the DRDRB may specify an effective date. If DRDRB does not specify a date, the effective date will be the same as the effective dates of a reconsideration under Question 3.

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**5. *What is the effective date of a decision changed by the AC as a result of an appeal?***

If an appeal to the Appeals Commission (AC) results in a changed decision, the AC may specify an effective date. If the AC does not specify a date, the effective date will be the same as the effective dates of a reconsideration under Question 3.

**6. *If a decision is changed and it affects benefits, how are the revised benefits adjusted?***

WCB calculates what benefit payments should have been payable as of the effective date of the changed decision (see Questions 3 to 5).

If the calculation shows that benefits are owing to the worker or dependant, WCB pays the difference between the amount already paid and the adjusted amount that should have been paid. For example, a worker or dependant's benefits may be adjusted because benefits were paid under an incorrect section of the *WCA*. In this example, WCB would pay an amount equal to the difference between the benefits the worker or dependant received under the incorrect section and the amount that should have been paid under the correct section of the *WCA*. If there are ongoing benefits affected by the change, future payments will be adjusted accordingly.

If the calculation shows that WCB paid more to the worker or dependant than they were entitled to, an overpayment is created for excess payments made on or after the effective date). WCB adjusts future payments accordingly.

For information about overpayments, see Policy 05-01, *Compensation Overpayments*. For the impact of a change in benefits on the employer's experience record, see Question 10.

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**7. *Is interest payable when a decision of WCB or DRDRB results in a benefit increase or a premium refund?***

No, interest is **not payable** when a decision of **WCB or DRDRB** results in a benefit increase owing to a worker or dependant or a premium refund owing to an employer.

Interest is only payable in limited situations when the Board of Directors has issued an Order directing WCB to do so (see Question 8).

**8. *Is interest payable when an AC decision results in a benefit increase or a premium refund?***

Interest **may be payable** when a decision of the **AC** results in a benefit increase owing to a worker or dependant or a premium refund owing to an employer provided the Board of Directors has issued an Order directing WCB to do so. Payment of benefits/an increase in benefits owing to a worker or dependant or a premium refund owing to an employer must flow directly out of the AC decision (see Question 9).

Under an order of the Board of Directors, interest is payable by WCB to:

- workers who become entitled to:
  - retroactive amounts owing to them for wage replacement benefits for temporary total or partial disability under sections 56 and 60 of the *WCA*
  - economic loss payments and earnings loss supplements for permanent total or partial disability under section 56 of the *WCA*
- dependants who become entitled to retroactive amounts owing to them for pensions under section 70 of the *WCA* and/or to additional payments paid under sections 71, 72, 73, and 76 of the *WCA*,
- employers who become entitled to a premium refund on premiums paid

as the result of a decision by the **AC**.

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**9.** *When does payment of benefits/an increase in benefits or a premium refund flow directly out of an AC decision?*

Payment of benefits/an increase in benefits owing to a worker or dependant or a premium refund owing to an employer flows directly out of an AC decision when:

- the AC decision directs WCB to pay benefits or a premium refund, or
- the implementation of an AC decision reasonably and directly results in the payment of benefits, an increase in benefits, or a premium refund

For example:

- The AC determines that a worker is entitled to a retroactive increase in temporary total disability benefits. The retroactive benefit increase flows directly from the AC decision because the AC directed WCB to pay the increased benefits.
- The AC determines that a claim that was previously denied is acceptable. As a result of the acceptance of the claim, temporary total disability benefits are paid retroactively. The retroactive benefits flow directly from the AC decision because the acceptance of the claim (i.e., the implementation of the AC decision) reasonably and directly resulted in the payment of the benefits.
- The AC directed WCB to carry out an investigation to determine if an injury was caused by a work accident. WCB conducted the investigation and determined the condition was not related to the work accident. Several years later, WCB obtains new evidence that shows that the condition that was investigated is related to the work accident. WCB accepts the condition and pays retroactive benefits. The retroactive benefits do not flow directly from the AC decision because the acceptance of

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*Benefits or premium refunds that flow directly out of an AC decision (continued)*

the injury (which resulted in the decision to pay benefits) was reasonably and directly a result of the new evidence and not the AC’s direction to investigate the cause of the injury.

**10. *If a changed decision results in a benefit reduction, are costs removed from the employer’s account?***

If an amended decision results in a benefit reduction, an overpayment is created.

Costs for retroactive benefit reductions may be removed from the employer’s experience record, provided the employer did not contribute to the overpayment by providing incorrect information. These costs may be removed from the employer’s account, regardless of whether WCB recovers the overpayment.

For information about overpayments, see Policy 05-01, *Compensation Overpayments*. For information on cost relief for overpayments, see Policy 05-02, *Cost Relief*.

**11. *What if WCB requires supplementary information from a specific point in time to implement a changed decision?***

As time elapses, supplementary information from a specific point in time may be more difficult to obtain. In these circumstances, WCB uses information that is available, appropriate, and reasonable.

For example, if WCB’s original estimate of a worker’s impairment of earning capacity is overturned, WCB may need to re-estimate the worker’s impairment of earning capacity (see Policy 04-04). WCB may be unable to identify a specific job, position, or occupation available on the date the worker’s impairment of earning capacity began. In this case, WCB may re-estimate the worker’s impairment of earning capacity using earnings not lower than the legislated minimum wage in effect on that date.

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**APPLICATION 4: IMPLEMENTING A CHANGED DECISION****12. *When is this policy application effective?***

This policy application (Application 4 – Implementing a Changed Decision) is effective July 1, 2024, and applies to all decisions on or after that date, except when noted otherwise in a specific policy section(s).

**Previous versions**

Effective July 1, 2024, Policy 01-08 was renamed and restructured. See [Document History](#).

Previous versions for October 2002 – July 2024:

**Policy 01-08, Part II, Application 1: Interaction with the review and appeal processes**

- [Policy 0108 Part II - Application 1 - April 2021](#)
- [Policy 0108 Part II - Application 1 - September 2018](#)
- [Policy 0108 Part II - Application 1 - April 2018](#)
- [Policy 0108 Part II - Application 1 - August 2015](#)
- [Policy 0108 Part II - Application 1 - January 2006](#)
- [Policy 0108 Part II - Application 1 - January 2004](#)
- [Policy 0108 Part II - Application 1 - January 2003](#)
- [Policy 0108 Part II \(1st Issue\) - Application 1 - October 2002](#)

**Policy 01-08, Part II, Application 2: Claims**

- [Policy 0108 Part II - Application 2 - April 2018](#)
- [Policy 0108 Part II - Application 2 - August 2015](#)
- [Policy 0108 Part II - Application 2 - June 2010](#)
- [Policy 0108 Part II - Application 2 - January 2004](#)
- [Policy 0108 Part II \(1st Issue\) - Application 2 - October 2002](#)