

Practice Directive 5

Reviews by Managers

Date: January 10, 1996

On January 9, 1996, the Panel of Administrators decided that Paragraph #108.31 of the Rehabilitation Services & Claims Manual should be rescinded, effective immediately. This decision does not mean that Managers will stop reviewing decisions made by Board officers. It means merely that decisions of Board officers will no longer be subject to reviews by Managers on the terms set out in Paragraph #108.31.

Managers have the power to rehear and redetermine any decision made by a Board officer (Section 96(2) of the *Act* and Paragraph #108.30 of the RS&CM). Managers also have the duty to ensure that decisions of Board officers are consistent with the *Act* and published Board policy, and are based on proper evidence, and are consistent with the highest standards of adjudication.

Managers will continue to review decisions of Board officers on a random basis as part of a regular quality assurance program. Managers will also continue to review decisions upon the request of workers, employers, or dependants. This Practice Directive outlines the proper procedure to be followed when a Manager receives a request to alter a decision made by a Board officer.

A party must apply in writing to a Board officer or Manager and must specify the ground of objection to the decision of the Board officer. Where a party objects to a decision but does not specify a ground of objection, the Manager will request the party to do so. The Manager will then proceed as follows:

1. If the party objects to the decision on the ground that new evidence has been obtained since the decision of the Board officer, the Manager will refer the matter to the Board officer who has charge of the file to consider the new evidence and to render a decision regarding the effect of the new evidence upon the prior decision.
2. If the party objects on the ground that the decision of the Board officer is contrary to law or policy, the Manager will make a decision on this issue and refer the claim file to the Board officer for implementation.
3. If the party objects on the ground that the Board officer did not properly weigh the evidence, the Manager will decline to reconsider the matter and will refer the party to the Review Board.
4. If the party objects on the ground that the *Workers Compensation Act* is, itself, unfair or unlawful, the Manager will state that such an issue is beyond the jurisdiction of a Board officer.

5. If the party objects on the ground that Board policy is unlawful, the Manager will inform the party of the appeal provisions and will refer the letter of objection (not the claim file) to the Senior Manager, Policy & Practice.

The provisions of Paragraph #108.30 of the RS&CM continue to apply. Nothing in this Practice Directive prevents a Board officer or Manager from rehearing or redetermining any matter at any time, except a decision of the Appeal Division or the Medical Review Panel. Where a Board officer concludes that a prior decision should be changed, the Board officer will follow the provisions of Paragraph #108.30.

This Practice Directive applies to all decisions made on and after January 15, 1996.