

**WCAT****Workers' Compensation  
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**WORKERS' COMPENSATION APPEAL TRIBUNAL (WCAT)  
QUARTERLY REPORT TO THE COMMUNITY  
FOR THE PERIOD ENDED MARCH 31, 2004**

WCAT commenced operations on March 3, 2003. Our mandate is to decide appeals brought by workers and employers from decisions of the Workers' Compensation Board (WCB). WCAT receives compensation, assessment, and prevention appeals from decisions of the Review Division of the WCB. We also receive direct appeals from WCB decisions regarding compensation claim reopenings by application, discriminatory action complaints, and applications for certificates to the Court.

Our current inventory consists of:

- backlog appeals that we inherited from the Workers' Compensation Review Board (WCRB) and the Appeal Division when both tribunals ceased operations on February 28, 2003;
- transition appeals consisting primarily of appeals to WCAT from findings for appeals that were seized by the WCRB when it ceased operations; and
- new appeals arising from WCB decisions made on and after March 3, 2003.

WCAT started operations with a backlog of 22,436 appeals. During our first thirteen months of operation ended March 31, 2004, we reduced the backlog from 22,436 to 10,787 appeals. This represents a reduction of 11,649 appeals, or 52.1% of the backlog.

As of March 31, 2004, our total active inventory was 14,101 appeals, consisting of 10,787 backlog appeals, 2,923 new WCAT appeals and 391 transition appeals.

Our goal was to reduce the size of the backlog by 50% by March 31, 2004 and we are pleased that we were able to meet this target. The rate of reduction of the backlog after this point will be significantly affected by the volume of appeals that we receive from Review Division decisions. While it is still too early to accurately forecast the future intake of Review Division appeals, we continue to feel confident that we will meet our goal of eliminating the backlog by February 28, 2006.

Our intake of new appeals has increased steadily since March 3, 2003, and parallels the Review Division's increasing capacity to complete reviews. In the first quarter of 2004, our intake amounted to 1,912 appeals. This included appeals that had been suspended by the Appeal Division and WCRB and that were reactivated by WCAT. The vast

majority of new appeals continue to be related to compensation matters. During this quarter, we decided 2,328 appeals on their merits and made summary decisions on a further 1,184 appeals that were rejected, abandoned, withdrawn, or suspended.

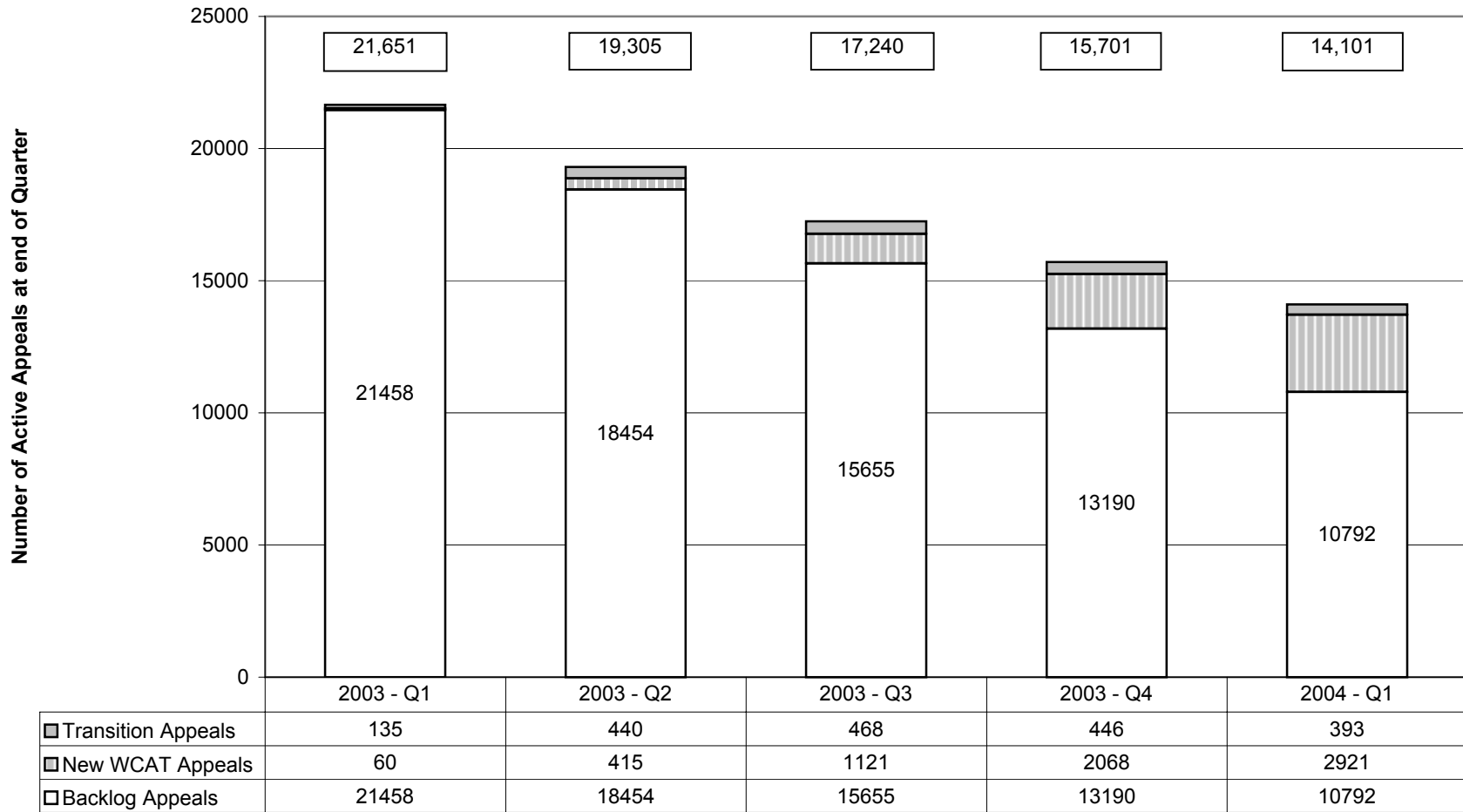
During this quarter, where WCAT made merit decisions on appeals that were not seized by the WCRB or the Appeal Division, we confirmed the decision of the WCB or the previous decision-maker in 53.9% of the cases, and varied these decisions in whole or in part in 46.1% of cases.

Attached are a number of graphs and tables that contain further details. These graphs and tables show a summary of WCAT's activities for all appeals, and for new appeals and backlog appeals separately. The graphs and tables also show a comparative summary of activities for each of the calendar quarters since WCAT's inception.

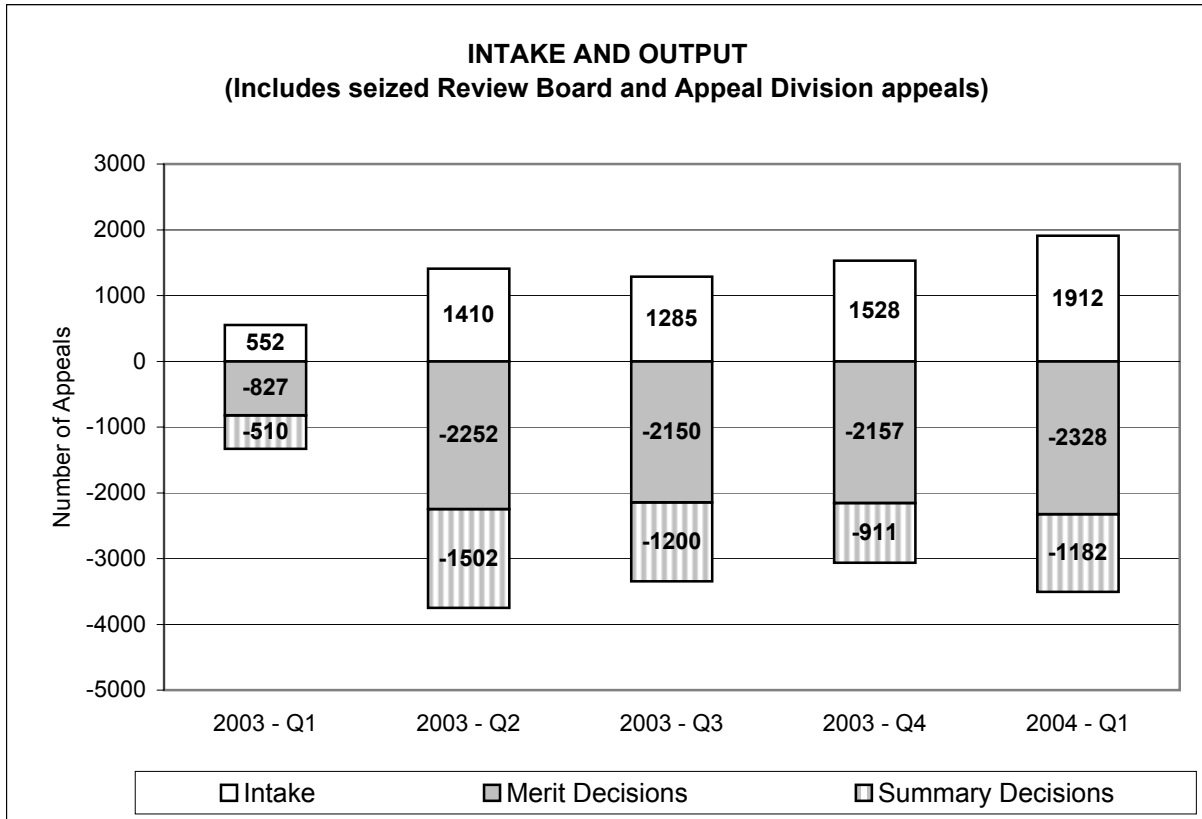
Jill Callan  
Chair

Attachment

**WORKERS' COMPENSATION APPEAL TRIBUNAL  
NUMBER OF ACTIVE APPEALS IN INVENTORY**



**A. SUMMARY STATISTICS - ALL APPEALS**



**1. OUTCOMES OF MERIT DECISIONS:**

Outcome	Q1 - 2003	Q1 - 2004	Q2 - 2003	Q3 - 2003	Q4 - 2003	Grand Total
Confirmed	63.6%	57.0%	59.2%	53.8%	53.9%	55.8%
Varied	36.4%	43.0%	40.6%	46.2%	46.1%	44.2%
Cancelled	0.0%	0.0%	0.1%	0.0%	0.0%	0.0%
Grand Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**2. OUTCOMES OF ISSUES:**

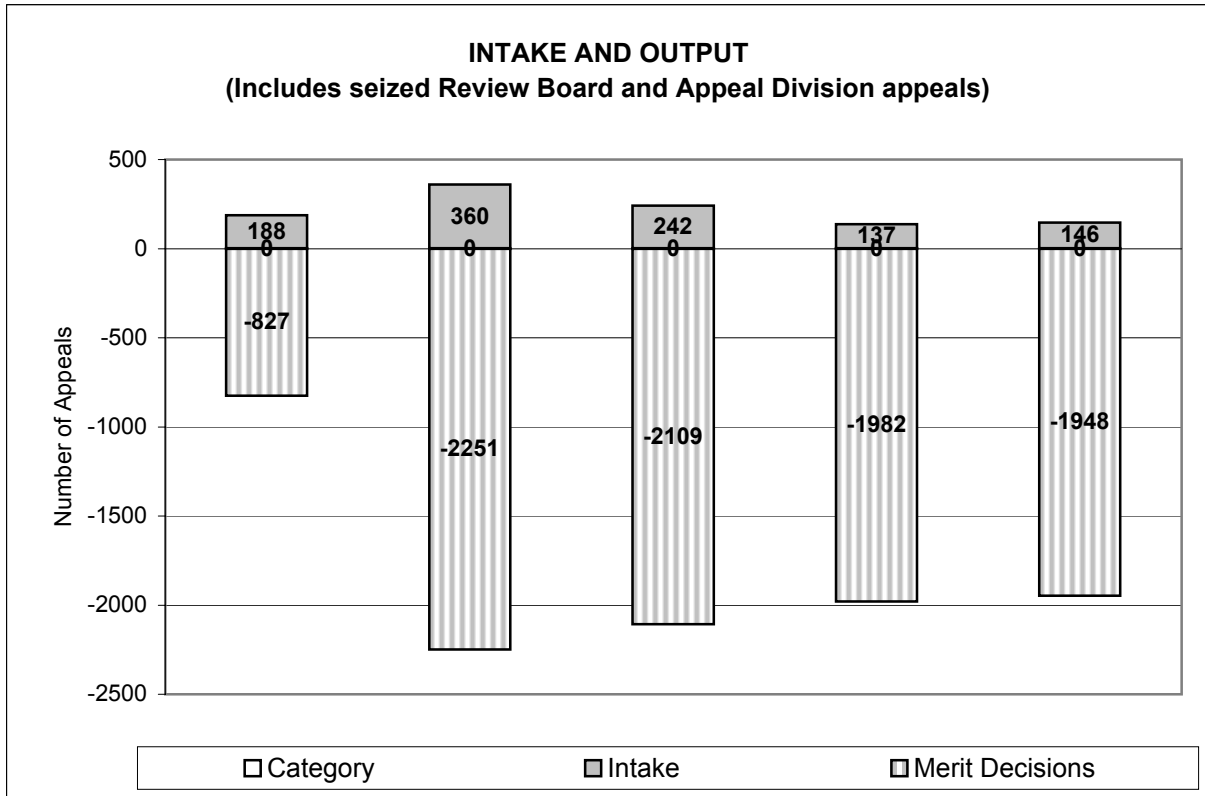
Outcome	2003 - Q1	2003 - Q2	2003 - Q3	2003 - Q4	2004 - Q1	Grand Total
Denied	66.7%	62.7%	57.6%	57.0%	60.4%	59.3%
Allowed	23.5%	28.7%	34.9%	35.1%	31.3%	32.7%
Allowed in Part	9.8%	8.6%	7.6%	7.9%	8.3%	8.1%
Grand Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**3. REASONS FOR ISSUE OUTCOMES:**

Outcome	2003 - Q1	2003 - Q2	2003 - Q3	2003 - Q4	2004 - Q1	Grand Total
Denied	69.4%	63.6%	57.5%	56.8%	60.5%	59.4%
Error in Law	0.0%	0.8%	0.3%	0.8%	0.4%	0.5%
Error in Policy	0.0%	0.9%	1.0%	1.8%	1.3%	1.3%
Reweigh Existing Evidence	22.4%	20.0%	22.9%	11.2%	9.3%	15.3%
Reweigh with New Evidence	8.2%	14.7%	18.3%	29.4%	28.5%	23.5%
Grand Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Note: Outcomes of appeals and issues do not include appeals or issues that were seized by the Review Board or the Appeal Division on March 3, 2003.

**B. SUMMARY STATISTICS - BACKLOG APPEALS ONLY**



\* Intake includes reactivated appeals and appeals that were not registered by March 3, 2003.

**1. OUTCOMES OF MERIT DECISIONS:**

Outcome	Q1 - 2003	Q1 - 2004	Q2 - 2003	Q3 - 2003	Q4 - 2003	Grand Total
Confirmed	63.6%	55.2%	59.3%	53.4%	52.3%	54.8%
Varied	36.4%	44.8%	40.6%	46.6%	47.7%	45.2%
Cancelled	0.0%	0.0%	0.1%	0.0%	0.0%	0.0%
Grand Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**2. OUTCOMES OF ISSUES:**

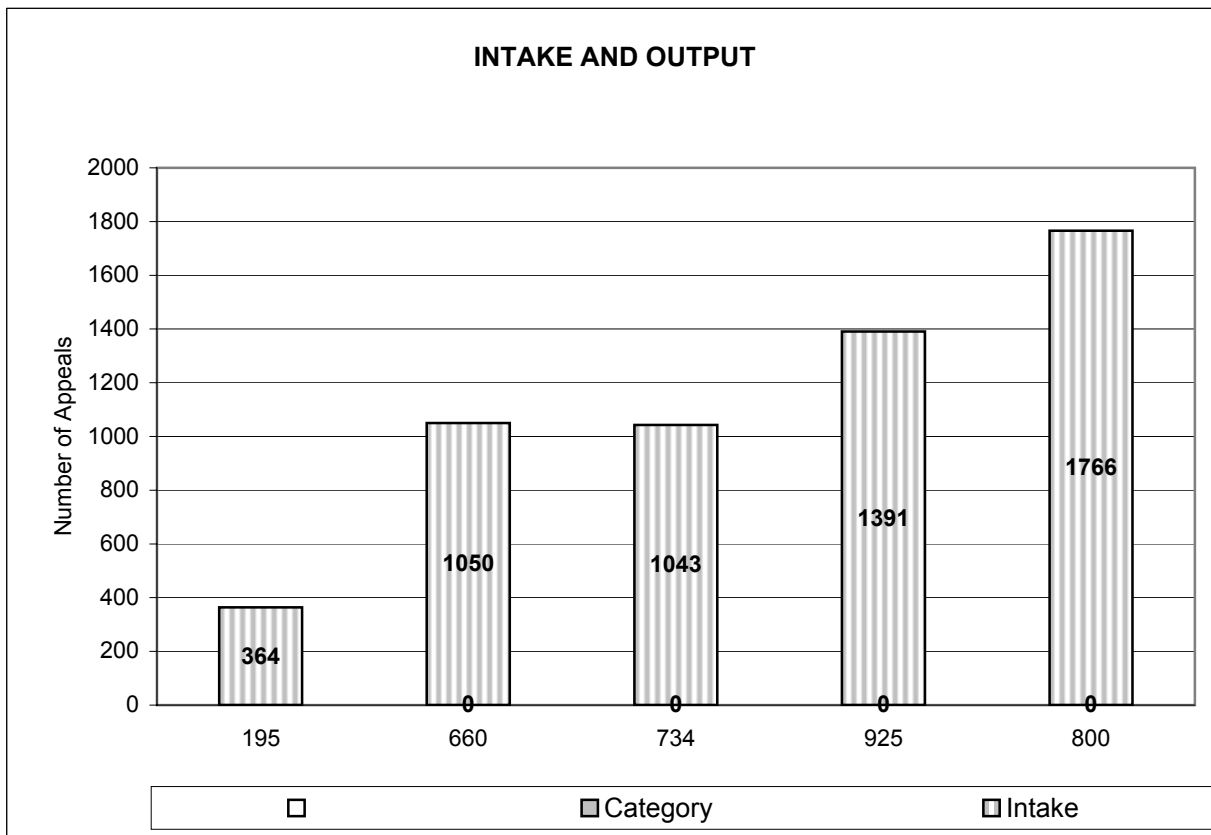
Outcome	2003 - Q1	2003 - Q2	2003 - Q3	2003 - Q4	2004 - Q1	Grand Total
Denied	66.7%	62.8%	57.2%	55.4%	58.6%	58.3%
Allowed	23.5%	28.6%	35.1%	36.5%	32.8%	33.5%
Allowed in Part	9.8%	8.6%	7.6%	8.2%	8.6%	8.2%
Grand Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**3. REASONS FOR ISSUE OUTCOMES:**

Outcome	2003 - Q1	2003 - Q2	2003 - Q3	2003 - Q4	2004 - Q1	Grand Total
Denied	69.4%	63.6%	57.2%	55.4%	58.6%	58.5%
Error in Law	0.0%	0.8%	0.3%	0.8%	0.4%	0.5%
Error in Policy	0.0%	0.9%	1.0%	1.9%	1.0%	1.2%
Reweigh Existing Evidence	22.4%	20.1%	23.0%	11.5%	9.2%	15.7%
Reweigh with New Evidence	8.2%	14.6%	18.5%	30.5%	30.7%	24.1%
Grand Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Note: Outcomes of appeals and issues do not include appeals or issues that were seized by the Review Board or the Appeal Division on March 3, 2003.

**C. SUMMARY STATISTICS - NEW AND TRANSITION APPEALS**



**1. OUTCOMES OF MERIT DECISIONS:**

<b>Outcome</b>	<b>2003 - Q1</b>	<b>2003 - Q2</b>	<b>2003 - Q3</b>	<b>2003 - Q4</b>	<b>2004 - Q1</b>	<b>2004 - Q2</b>
Confirmed	0.0%	0.0%	75.0%	71.8%	66.0%	65.2%
Varied	0.0%	100.0%	25.0%	28.2%	33.8%	34.8%
Cancelled	0.0%	0.0%	0.0%	0.0%	0.3%	0.0%
<b>Grand Total</b>	<b>0.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

**2. OUTCOMES OF ISSUES:**

<b>Outcome</b>	<b>2003 - Q1</b>	<b>2003 - Q2</b>	<b>2003 - Q3</b>	<b>2003 - Q4</b>	<b>2004 - Q1</b>	<b>Grand Total</b>
Denied	0.0%	0.0%	70.2%	74.5%	70.4%	71.4%
Allowed	0.0%	100.0%	25.5%	19.9%	23.5%	22.8%
Allowed in Part	0.0%	0.0%	4.3%	5.6%	6.1%	5.8%
<b>Grand Total</b>	<b>0.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

**3. REASONS FOR ISSUE OUTCOMES:**

<b>Outcome</b>	<b>2003 - Q1</b>	<b>2003 - Q2</b>	<b>2003 - Q3</b>	<b>2003 - Q4</b>	<b>2004 - Q1</b>	<b>Grand Total</b>
Denied	0.0%	0.0%	70.8%	74.6%	70.2%	71.4%
Error in Law	0.0%	0.0%	0.0%	1.0%	0.4%	0.6%
Error in Policy	0.0%	0.0%	2.1%	1.0%	2.4%	2.0%
Reweigh Existing Evidence	0.0%	0.0%	18.8%	7.6%	10.2%	10.1%
Reweigh with New Evidence	0.0%	100.0%	8.3%	15.7%	16.7%	16.0%
<b>Grand Total</b>	<b>0.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

**WORKERS' COMPENSATION APPEAL TRIBUNAL  
TOP TEN ISSUES DECIDED IN 2004 - Q1**

<b>Date</b>	<b>Issue Group</b>	<b># of Issues in Q1</b>	<b>% of Qtr Total</b>	<b>Total # of Issues to Date (since inception)</b>	<b>% of Total to Date</b>
Q1 2004	COMP FOR PERSONAL INJURY	629	22.0%	2895	25.3%
Q1 2004	PERMANENT PARTIAL DISABILITY	442	15.5%	1550	13.6%
Q1 2004	TEMPORARY TOTAL DISABILITY	341	11.9%	1583	13.8%
Q1 2004	VOCATIONAL REHABILITATION	302	10.6%	1052	9.2%
Q1 2004	REOPENINGS - PRE BILL 63	247	8.7%	1247	10.9%
Q1 2004	OCCUPATIONAL DISEASE	242	8.5%	629	5.5%
Q1 2004	HEALTH CARE	171	6.0%	691	6.0%
Q1 2004	AVERAGE EARNINGS	109	3.8%	413	3.6%
Q1 2004	TEMPORARY PARTIAL DISABILITY	53	1.9%	413	3.6%
Q1 2004	REOPENINGS	47	1.6%	163	1.4%
Q1 2004	OTHER	271	9.5%	803	7.0%
Q1 2004	<b>TOTAL</b>	<b>2854</b>	<b>100.0%</b>	<b>11439</b>	<b>100.0%</b>