



WCAT

**Workers' Compensation
Appeal Tribunal**

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**WORKERS' COMPENSATION APPEAL TRIBUNAL (WCAT)
QUARTERLY REPORT TO THE COMMUNITY
FOR THE PERIOD ENDED DECEMBER 31, 2005**

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;
- transitional 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 22,446 appeals. In 2003 we established the goal of eliminating the backlog by February 28, 2006, the end of our third year of operations.

During our first 34 months of operation ended December 31, 2005, we reduced the backlog to 989 appeals. This represents a reduction of 21,457 appeals, or 96%. We are on target to eliminate the backlog by early this year. Our success to date in the adjudication of the backlog appeals has been a reflection of the dedication of all vice chairs and support staff of WCAT.

We are aware that we have placed significant demands on workers' compensation advocates in order to schedule oral hearings and to receive written submissions on the backlog appeals in a timely manner. We have experienced a high level of cooperation from workers' compensation advocates in this regard, which we greatly appreciate.

As of December 31, 2005, our total active inventory was 4,907 appeals, consisting of 989 backlog appeals, 3,786 new WCAT appeals, and 132 transitional appeals.

During the fourth quarter of 2005, we decided 1,932 appeals on their merits and made summary decisions on a further 555 appeals that were rejected, abandoned, withdrawn, or suspended. During this quarter, WCAT confirmed the decision of the WCB or the previous decision-maker in 67.0% of the cases, and cancelled or varied these decisions in whole or in part in 33.0% of cases.

In the fourth quarter of 2005, our intake amounted to 1,381 appeals. This included 5 appeals that had been suspended by the Appeal Division or the WCRB and that were reactivated by WCAT. Our intake of 1,381 new appeals in the fourth quarter is down 12.4% from the 1,577 new appeals we received in the third quarter of 2005, and down 1.0% from the 1,395 new appeals we received in the second quarter of 2005.

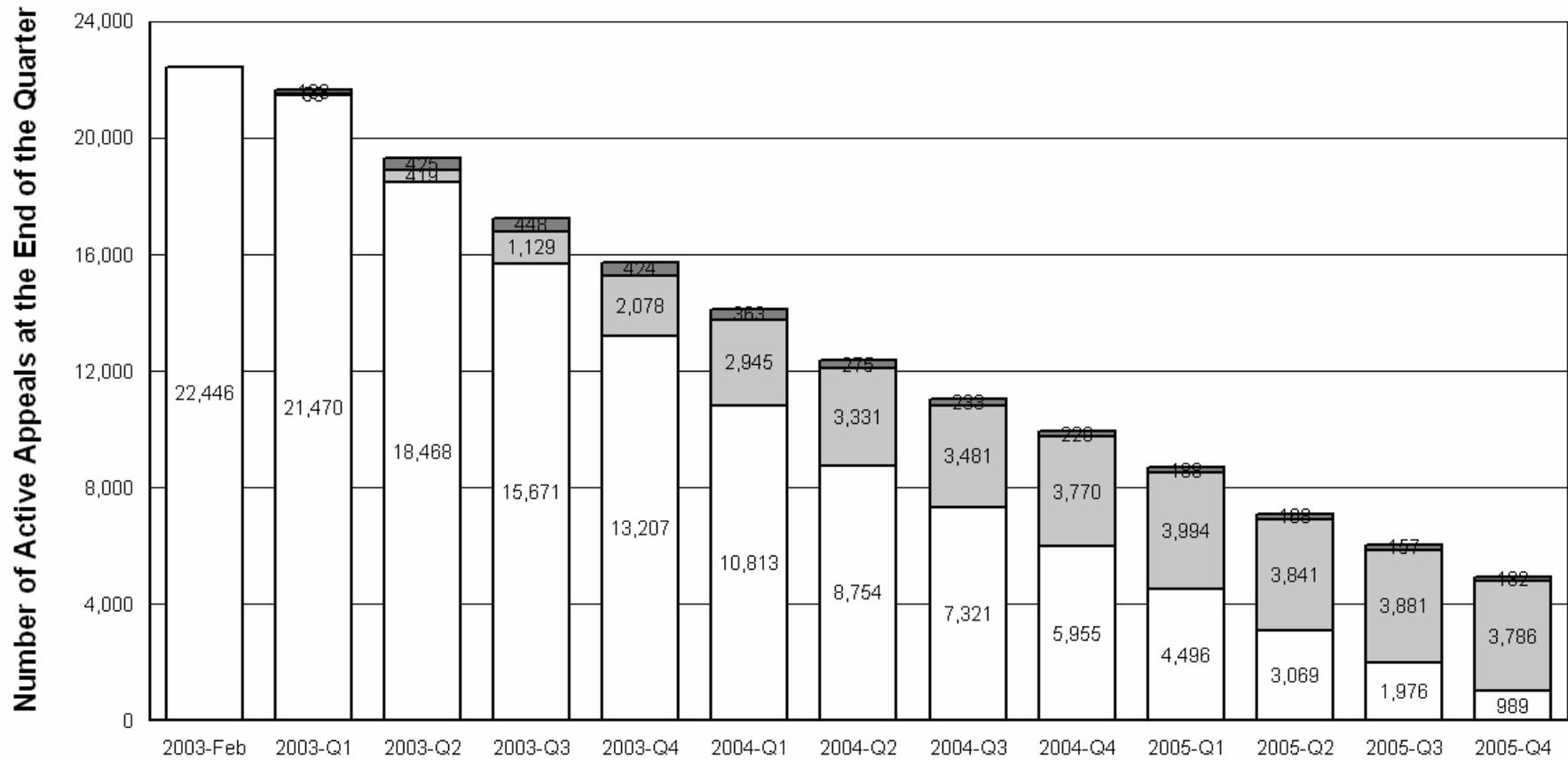
Our intake of new appeals from the Review Division appears to be stabilizing at about 6,200 per year. The vast majority of new appeals continue to be related to compensation matters.

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.

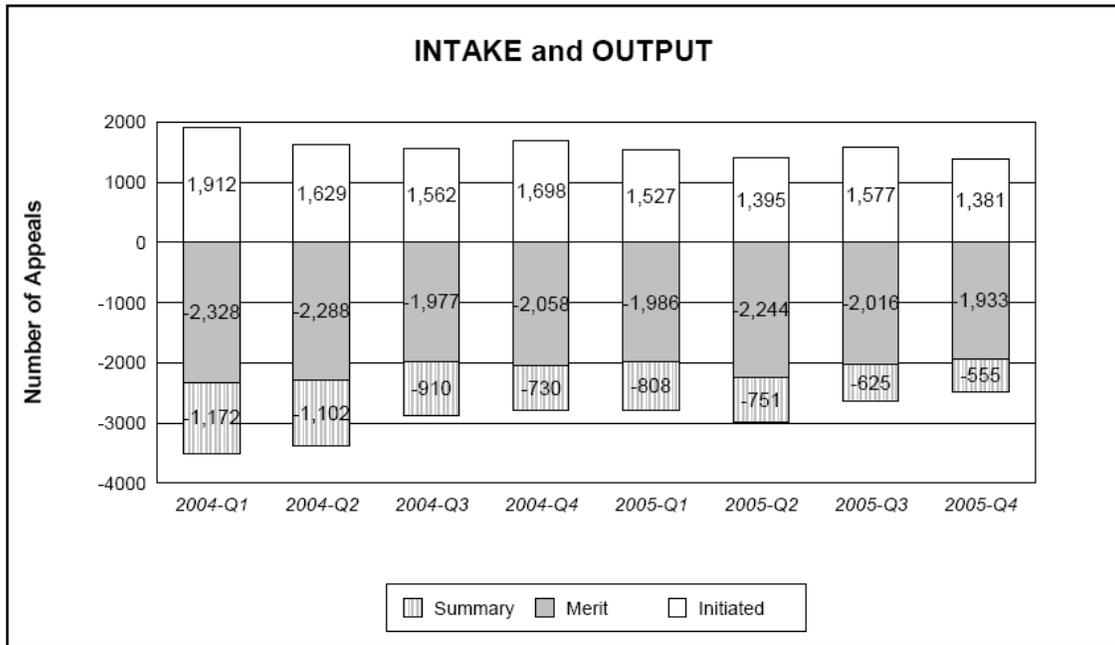
Jill Callan
Chair

Attachment

**Workers' Compensation Appeal Tribunal
Number of Active Appeals In Inventory
(Includes seized Review Board and Appeal Division appeals)**



A. SUMMARY STATISTICS - ALL APPEALS



1. OUTCOMES of MERIT DECISIONS:

Outcome	2005-Q4	YTD
Confirm	67.0%	62.7%
Vary	33.0%	37.3%
Cancelled	0.0%	0.0%
Total	100.0%	100.0%

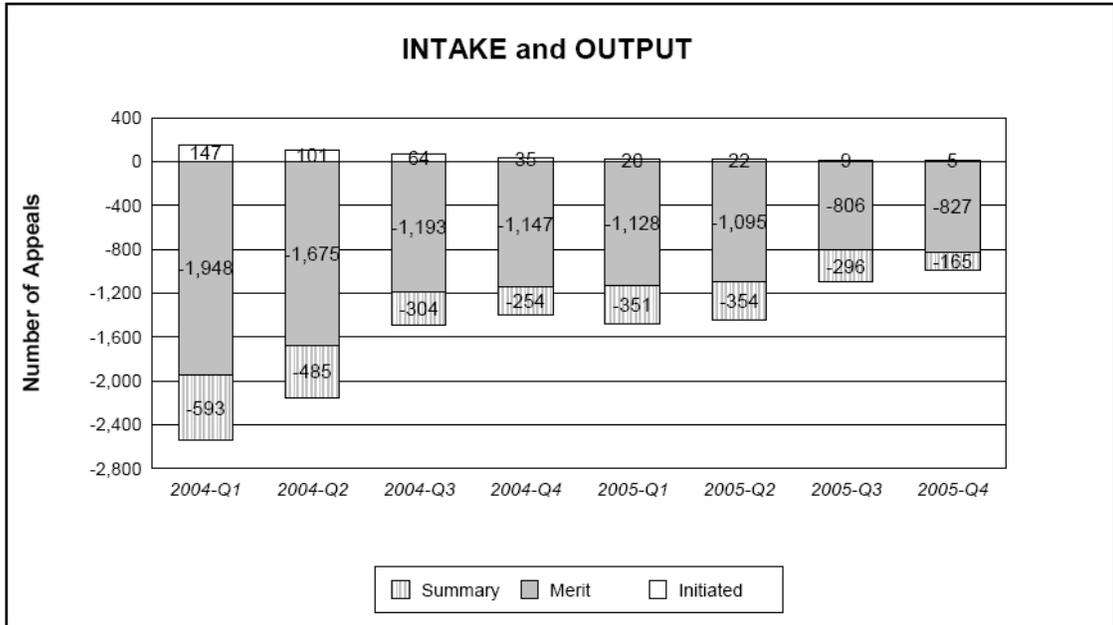
2. OUTCOMES of ISSUES:

Outcome	2005-Q4	YTD
Denied	70.0%	65.5%
Allowed	21.4%	25.5%
Allowed in Part	8.6%	9.0%
Total	100.0%	100.0%

3. REASONS for ISSUE OUTCOMES:

Outcome	2005-Q4	YTD
Denied	70.0%	65.5%
Error in Law	1.1%	1.1%
Error in Policy	1.2%	1.3%
Reweigh Existing Evidence	8.2%	8.0%
Reweigh with New Evidence	19.5%	24.1%
Total	100.0%	100.0%

B. SUMMARY STATISTICS - BACKLOG APPEALS ONLY



1. OUTCOMES of MERIT DECISIONS:

Outcome	2005-Q4	YTD
Confirm	61.5%	58.1%
Vary	38.5%	41.9%
Total	100.0%	100.0%

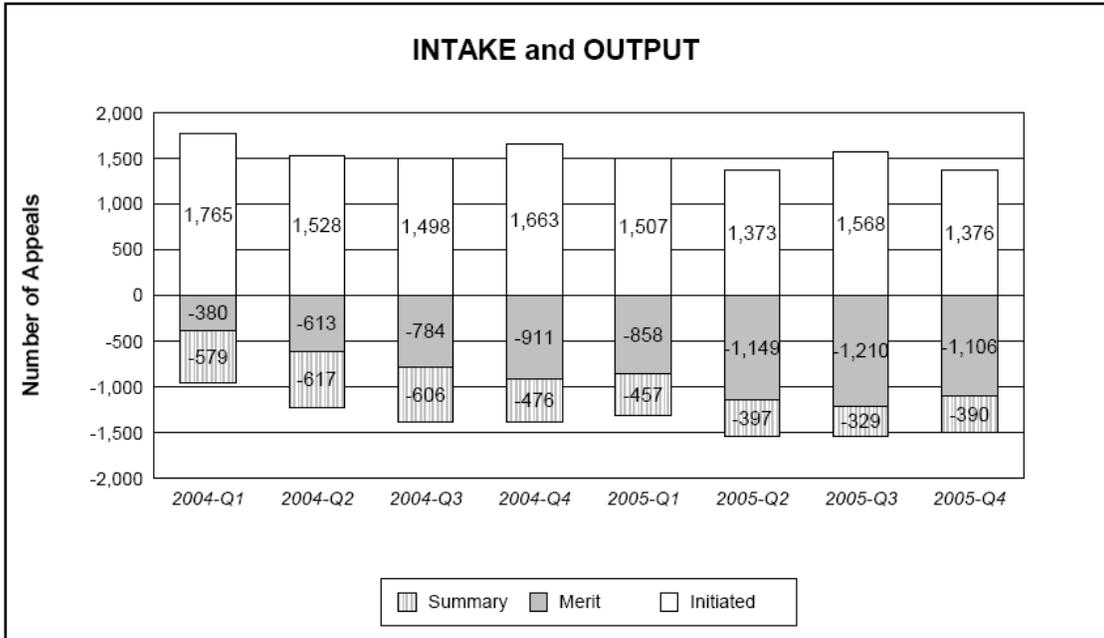
2. OUTCOMES of ISSUES:

Outcome	2005-Q4	YTD
Denied	64.3%	60.8%
Allowed	23.6%	28.7%
Allowed in Part	12.1%	10.5%
Total	100.0%	100.0%

3. REASONS for ISSUE OUTCOMES:

Outcome	2005-Q4	YTD
Denied	64.3%	60.8%
Error in Law	1.1%	0.7%
Error in Policy	1.8%	1.4%
Reweigh Existing Evidence	8.8%	8.2%
Reweigh with New Evidence	24.0%	28.9%
Total	100.0%	100.0%

C. SUMMARY STATISTICS - NEW and TRANSITION APPEALS



1. OUTCOMES of MERIT DECISIONS:

Outcome	2005-Q4	YTD
Confirm	71.2%	66.9%
Vary	28.8%	33.1%
Cancelled	0.0%	0.0%
Total	100.0%	100.0%

2. OUTCOMES of ISSUES:

Outcome	2005-Q4	YTD
Denied	74.3%	69.8%
Allowed	19.8%	22.5%
Allowed in Part	5.9%	7.7%
Total	100.0%	100.0%

3. REASONS for ISSUE OUTCOMES:

Outcome	2005-Q4	YTD
Denied	74.3%	69.8%
Error in Law	1.1%	1.3%
Error in Policy	0.8%	1.2%
Reweigh Existing Evidence	7.7%	7.9%
Reweigh with New Evidence	16.1%	19.8%
Total	100.0%	100.0%