

It is important to
REMEMBER THAT...

- You are responsible for fees charged by your personal representative and for fees charged or costs incurred by witnesses you arrange to testify on your behalf.
- The Appeal Commission is the final level of appeal regarding a WCB claim or assessment issue. There are no further levels of appeal beyond the Appeal Commission. It is important, therefore, to present all documentation or facts that support your appeal at the time of your hearing or review.



IF YOU ARE A WORKER, THERE ARE INDIVIDUALS AND AGENCIES THAT MAY HELP YOU MAKE YOUR APPEAL, SUCH AS:

A. UNION REPRESENTATIVES

Your union representative may have experience in dealing with the appeal process. He or she may be able to answer your questions or represent you.

B. WORKER ADVISOR OFFICE

The Worker Advisor Office is a branch of Manitoba Labour and Immigration and is independent of the WCB. Worker advisors have knowledge of the compensation system and can help you with the appeal process. The services of a worker advisor are available free of charge. More information on worker advisors is available by contacting the Worker Advisor Office in your area.

WINNIPEG AND THE SURROUNDING AREA
Room 406
401 York Avenue
Winnipeg, MB R3C 0P8
(204) 945-5787 1-800-282-8069

BRANDON AND THE SURROUNDING AREA
Room 328
340 – 9th Street
Brandon, MB R7A 6C2
(204) 726-6480

THIS BROCHURE IS PROVIDED FOR GENERAL INFORMATION ONLY. FURTHER INFORMATION IS AVAILABLE ON OUR WEBSITE:

www.appeal.mb.ca

IF YOU HAVE ANY QUESTIONS ABOUT THE APPEAL PROCESS OR, IF YOU NEED AN APPLICATION TO APPEAL, PLEASE CALL (204) 925-6110 (COLLECT).



THE APPEAL COMMISSION

THE WORKERS COMPENSATION
ACT OF MANITOBA

The Appeal Commission
600 – 330 St. Mary Avenue
Winnipeg, MB R3C 3Z5

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Please call (204) 925-6110 to receive this publication in large print format.

**WHAT YOU
NEED TO KNOW
BEFORE
MAKING
AN APPEAL**



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INTRODUCTION

If you disagree with a decision you receive from the Workers Compensation Board (WCB), you may appeal that decision to the Appeal Commission. There is no time limit to file an appeal.

An appeal can be filed by a worker, the worker's estate, an employer or a third party with a direct interest in the matter.

Any decision regarding an application for compensation or other benefits and all matters relating to assessments may be appealed.

The Appeal Commission is only able to consider issues previously decided by the WCB's Review Office or Assessment Committee. If new issues are raised prior to or at a hearing, they will be referred back to the WCB.

To begin your appeal, read this brochure and complete an application to appeal form available either on our website or by contacting our office. Applications may be submitted by mail, fax or through our website.

There are two ways your appeal can be considered: by file review or an oral hearing. Although you can indicate which method of appeal you prefer, the Chief Appeal Commissioner or appeal panel has the final authority to decide which method will be used.

1. FILE REVIEW

Your appeal can be decided by a file review if, from the file documents, all the issues are easy to understand. If your appeal is decided by a file review, you will not have to appear in person before the appeal panel.

The appeal panel reaches a decision after it conducts a full review of the file documentation and any written evidence submitted by the parties.

Some examples of appeals commonly decided by a file review include:

- most assessment appeals
- factual matters such as the level of average earnings
- applications for an increase in permanent partial impairment where no wage loss is involved
- payment of medical aid benefits
- appeals where the facts of the case are not in dispute

2. ORAL HEARING

If your appeal is more complex, it will probably be decided by an oral hearing. Oral hearings are the most common appeal forum. If you request an oral hearing, you usually must appear in person at the hearing and verbally present the appeal to the panel. In some instances, you may be allowed to participate via teleconference.

Your appeal can be supported by a written submission. You may also bring witnesses in support of your appeal however, you must advise the Appeal Commission if you intend to bring witnesses.

Some examples of appeals commonly decided by an oral hearing are:

- where additional evidence must be presented
- where there is a fatality
- where serious injury has occurred
- where occupational disease is involved
- where the facts are in dispute

Please note – Hearings are not open to the public.

If you choose AN ORAL HEARING...

- You and your representative (if you have one) must be available to present your case on the day your appeal is scheduled.
- If you are the injured worker and live in Manitoba, you will be reimbursed for reasonable expenses incurred to attend the hearing. If, for health reasons, you are unable to travel alone, you may also be reimbursed for the expenses of a companion.
- You will be reimbursed for wages lost to attend the appeal hearing.
- Parties to the appeal (i.e. the worker and the employer) will be given a chance to present their evidence and arguments on the issue(s) being appealed.
- The appeal panel members may ask questions of the parties.
- A court reporter will attend the hearing to record the discussion and will produce a transcript which will be added to the file.
- The Appeal Commission provides interpreter services free of charge. Arrangements must be made through the Scheduling Co-ordinator.