

 Yukon Workers' Compensation Health and Safety Board	Part:	Appeals	
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LIMITATION PERIODS FOR CLAIMS REVIEWS & APPEALS

GENERAL INFORMATION

A worker, dependent of a deceased worker or employer who disagrees with a claims decision made by the Yukon Workers' Compensation Health and Safety Board (YWCHSB), or a hearing officer of the YWCHSB, or the Workers' Compensation Appeal Tribunal (Tribunal), may file a request for a review or appeal of that decision within 24 months of the decision.

PURPOSE

This policy explains the limitation period for reviews and appeals. Under subsection 52(1) of the *Workers' Compensation Act* S.Y. 2008 (the "Act"), a worker, dependent of a deceased worker or employer must file a notice of review or appeal within 24 months from the date of the decision. Under subsection 52(2) of the *Act*, the notice of a review or appeal must be filed by June 30, 2010 for all decisions made before July 1, 2008.

DEFINITIONS

- 1. Appeal Process:** the process outlined in the procedures for a hearing officer review or a Tribunal appeal, and sections 52 to 56 of the *Act*.
- 2. Appeal Time Limit:** 24 months from the date of a decision, by the written filing of a notice of review or appeal.
- 3. Compensation:** any amount payable or services provided under the *Act* in respect of an injured worker.
- 4. Decision:** written findings of fact and conclusions based on the *Act* or previous *Acts*, policies and procedures.
- 5. Decision-Maker:** the President/CEO and staff of the YWCHSB, a hearing officer of YWCHSB, or the Tribunal.

POLICY STATEMENT

The *Act* establishes a limitation period of 24 months in which a worker, dependent of a deceased worker or employer may file a request for review or appeal of a decision.

1. Time Limits

- a) For a review or an appeal on or after July 1, 2008, a worker, dependent of a deceased worker or an employer must file, in writing, a notice of request for a review or appeal, within 24 months from the date of a decision.
- b) For a decision prior to July 1, 2008, a worker, dependent of a deceased worker or employer must file, in writing, a notice of a request for review or appeal of a decision, on or before June 30, 2010.

Examples:

An injured worker receives a decision on their claim for compensation on March 14, 2008. The injured worker or employer must make a written request for a review of this decision to a hearing officer by no later than June 30, 2010. Once the hearing officer decision is made, the worker or employer has 24 months to appeal that decision to Tribunal.

An injured worker receives a decision on their claim for compensation on September 20, 2008. The injured worker or employer has until September 20, 2010, to request a review of this decision to a hearing officer. Once the hearing officer decision is made, the worker or employer has 24 months to appeal that decision to the Tribunal.

2. Decisions

Decision-makers communicate claim decisions by writing a decision letter which includes:

- the decision;
- the rational explanation, including any applicable policies;
- the information used to make the decision; and
- the advice to both the worker and employer of their right to request a review or appeal of the decision.

The limitation period for claims reviews starts as of the date of the decision letter.

When the YWCHSB notifies a worker, dependent of a deceased worker, or employer that additional information provided regarding an issue does not change

Chair

Limitation Period For Claims Reviews & Appeals

the overall outcome of an existing decision, it is not a new decision. The date of the original decision stands as the date from which the worker, worker's dependent or employer has 24 months to file an appeal.

Example:

The attending physician provides a worker with a medical report summarizing the reports already on file. The worker submits the summary report to the YWCHSB. The decision-maker sends a brief letter to the worker stating that the summary report has no impact on the decision. This is not a new decision.

Similarly, when a worker request further information and/or clarification from a decision-maker regarding a claims decision, the provision of the requested information does not constitute a new decision. The worker has 24 months from the date of the original decision letter to appeal that decision.

APPLICATION

This policy applies to decision-makers, injured workers, dependents of a deceased worker and employers who wish to review or appeal decisions.

ACT REFERENCES

Sections 15, 52, 53, 54, 55, 56 and 85

HISTORY

New

Chair