



THE APPEAL COMMISSION  
THE WORKERS COMPENSATION  
ACT OF MANITOBA

Appeal Commission and Medical Review Panel

# 2010

ANNUAL REPORT

# letter to the minister

**The Honourable Jennifer Howard**  
**Minister Responsible for *The Workers Compensation Act***  
**Room 317, Legislative Building**  
**Winnipeg, Manitoba**  
**R3C 0V8**

Dear Minister:

I am pleased to present our 2010 Annual Report in accordance with the provisions of *The Workers Compensation Act*. This report covers the 12-month period from January 1, 2010 to December 31, 2010.

Respectfully submitted,



Alan Scramstad  
Chief Appeal Commissioner

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# introduction

This report outlines the activities and statistics for both the Appeal Commission and Medical Review Panels for the period January 1, 2010 to December 31, 2010 inclusive.

The Appeal Commission is the final level of appeal in the workers compensation system in Manitoba. The Appeal Commission has exclusive jurisdiction to hear and decide appeals that arise from decisions made by the Workers Compensation Board (WCB). The Appeal Commission is separate and independent from the WCB, ensuring that issues from workers and employers are heard by an impartial panel.

The Appeal Commission consists of full and part-time appeal commissioners who are appointed by the Lieutenant Governor in Council for specific terms.

Medical Review Panels are established under *The Workers Compensation Act* (the Act) as a separate and independent process from the WCB and the Appeal Commission. Medical Review Panels allow questions to be asked of an independent panel of medical experts and an impartial medical opinion obtained on a worker's claim. The findings of a Medical Review Panel are considered evidentiary in nature and are not binding upon the WCB or Appeal Commission.

The Minister responsible for the Act appoints the Medical Review Panel Chair and Alternate Chair. The independence of the Chairs, and the ability of the employer and worker to select physicians who have not previously treated the worker to sit on a panel, allows for an impartial medical opinion.

The Office of the Registrar is responsible for providing administrative support to both the Appeal Commission and Medical Review Panels.

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“THE APPEAL COMMISSION is the final level of appeal in the workers compensation system in Manitoba.”

# mission and values

## MISSION STATEMENT

To ensure workers and employers continue to receive a full and impartial hearing of appeals in accordance with fairness and the rules of natural justice and that decisions of the Appeal Commission are a fair reflection of the facts of the case and the governing legislation.

## VALUES

### QUALITY ASSURANCE

The Appeal Commission maintains a consistent and high level of professional conduct, knowledgeable decision-making, and accountability, while respecting differing and shared values and perspectives.

### PUBLIC INTEGRITY

The Appeal Commission is, and is seen to be, an independent body with integrity and a rational decision-making process.

### RESPONSIVE TO CHANGE

The Appeal Commission evolves in a proactive and creative manner by assuring a process of consultation and consensus around desired change.

## INTERDEPENDENCE

All appeal commissioners are committed to a high standard of professionalism in their duties to conduct fair and impartial hearings under *The Workers Compensation Act* and its regulations. As well as their individual responsibilities to become knowledgeable in the matters before them, the commissioners have individual and collective responsibilities to one another to ensure an atmosphere of mutual respect, tolerance of individual differences and opinions, freedom from pre-determined bias and a commitment to look for objective truth and sound decision-making.

## RESPECTFUL WORK ENVIRONMENT

Appeal commissioners interact with staff and colleagues in a manner which promotes mutual respect as well as clarity and understanding of respective roles.

Quality Assurance Public Integrity Responsive to Change Interdependence Respectful Work Environment

# a message from the chief appeal commissioner

I hereby present the Annual Report of the Appeal Commission for 2010.

The Appeal Commission plays an important role in Manitoba's workers' compensation and administrative justice systems. The Appeal Commission is the final appeal body under *The Workers Compensation Act* (the Act). It provides an independent forum for the resolution of concerns for persons who are not satisfied with the decisions of the Workers Compensation Board (WCB). It also serves as the final appeal body for claims under the *Government Employees Compensation Act* for federal government employees working in Manitoba and for claims under *The Victims' Bill of Rights*.

This report contains statistics which detail the work of the Appeal Commission over the past year. Highlights for 2010 include a 13% increase in the number of hearings and reviews held in 2010 over 2009 and a reduction in decision writing time. On the other hand, service delivery timelines declined compared to prior years. This was due, in part, to changes in commissioner staffing and availability, and, in part, to the volume of cases brought forward for hearing from 2009. For 2011, we have been able to significantly increase the number of hearings scheduled and expect that our service levels can soon return to the timelines which we were able to achieve in recent years.

Throughout 2010, we remained uncompromising in the thoroughness of our review of files. Our priority has been, and continues to be, a commitment to ensuring that all appeals receive full and fair consideration. We believe this approach is in the best interests of Manitoba's workers and employers.

I wish to welcome the new part-time appeal commissioner representative of employers, Pam Marsden, and the new part-time appeal commissioners representative of workers, Cliff Anderson and Marc Lafond.

On a personal note, I am pleased to confirm that in 2010 I returned to my duties as Chief Appeal Commissioner after a lengthy medical leave. I want to express my gratitude to all part-time commissioners who have helped maintain our operations in both 2009 and 2010. These individuals bring a wide range of individual experience and expertise to the hearing process which results in better and more inclusive decisions for the benefit of all stakeholders. I also want to express my gratitude to our full-time commissioners for their dedicated service and to the staff in the Office of the Registrar for their continued support to parties and commissioners. In particular, I want to thank Public Interest Commissioner Lindy Choy, Registrar Peter Wiebe, and Assistant Registrar Roger Lafrance for their support and guidance throughout 2010. During my illness and recovery, I was reassured knowing that the Appeal Commission was in excellent hands.

Although 2010 was a challenging year, the Appeal Commission succeeded in maintaining its commitment to providing full and impartial hearings of appeals and rendering fair and just decisions. We will continue this commitment in 2011 and beyond.



Alan Scramstad

# about the appeal commission

The Appeal Commission is the final level of appeal in the workers compensation system and operates separately and independently from the WCB. The Appeal Commission hears all appeals from workers and employers concerning WCB Review Office or Assessment Committee decisions. The Appeal Commission also acts as the final level of appeal for claims from victims of crime filed under *The Criminal Injuries Compensation Act* and *The Victims' Bill of Rights*.

The full and part-time appeal commissioners are appointed by the Lieutenant Governor in Council for specific terms. *The Workers Compensation Act* (the Act) requires that the Appeal Commission consist of one or more appeal commissioners representing the public interest, one of whom is designated as Chief Appeal Commissioner, and one or more appeal commissioners representing workers and employers covered under the Act.

The Appeal Commission's conduct is governed by Regulation 279/91, *Appeal Commission Rules of Procedure*. The Rules of Procedure establish the responsibilities of the Chief Appeal Commissioner, the Registrar and the appeal panels to ensure that the integrity of the appeal system is protected and maintained.

Appeals are heard by panels of three commissioners, representing public, worker and employer interests, respectively. The commissioner representing the public interest is the chair of the panel and is responsible for the conduct of the hearing/review.

Hearings and reviews are conducted in accordance with the rules of natural justice and procedural fairness. All parties to an appeal (i.e. the employer, worker and their representatives) are given an equal opportunity to present their case.

An appeal panel may hear witnesses from either or both parties and may subpoena witnesses or evidence that will assist the panel in reaching a decision. A party with a direct interest may appear before the panel to provide evidence or in some cases, ask the panel to conduct a review of the file which would not require the attendance of any party.

The Appeal Commission is a non-adversarial enquiry forum where parties with a direct interest in a matter provide oral or written evidence. An appeal panel can ask questions or obtain additional evidence which ensures that the panel has all the information necessary to reach a fair decision.

Written decisions are provided to the parties to an appeal within 60 days of the hearing ending. Decisions are made based on the evidence on file, the evidence presented during the hearing/review and any additional evidence the appeal panel has asked for.

The Appeal Commission also provides access to our decisions to all stakeholders. Decisions are publicly available in several ways, including through the Appeal Commission's website – [www.appeal.mb.ca](http://www.appeal.mb.ca). Decisions made available to the public are written to protect the privacy of all parties, in compliance with the various pieces of privacy legislation in Manitoba. The Appeal Commission continues to be a leader amongst tribunals in Manitoba in providing access to the public to tribunal decisions.

# method of appeal

Appellants can request a file review or oral hearing; however, the Chief Appeal Commissioner or an appeal panel addressing an appeal have the final authority to determine the most appropriate method for an appeal.

## FILE REVIEW

An appeal can be decided by a file review if all the issues are easy to understand based on the file documents. The panel reaches a decision after it conducts a full review of the file documentation and any evidence submitted in writing by the parties with a direct interest. If an appeal is decided by a file review, interested parties do not appear in person before the appeal panel.

Some examples of appeals commonly decided by 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/travel expenses
- appeals where the facts of the case are not in dispute.

## ORAL HEARING

Oral hearings are the most common appeal forums, and they are where the more complex appeals are usually decided. The party requesting the hearing must appear in person to present the appeal to the panel verbally, although the appeal can be supported by a written submission. In some instances, a party may be allowed to participate via teleconference. Witnesses may attend in support of the appeal, so long as the Appeal Commission is advised in advance that they will be attending.

Some examples of appeals decided by an oral hearing are:

- where additional evidence is to be presented
- where there is a fatality
- where serious injury has occurred
- where an occupational disease is involved
- where the decision may have an important impact on how WCB policy is interpreted or applied
- where the facts are in dispute.

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“APPELLANTS CAN REQUEST a file review or oral hearing; however, the Chief Appeal Commissioner or an appeal panel addressing an appeal have the final authority to determine the most appropriate method for an appeal.”

# general hearing/ review information

- Hearings and reviews are scheduled as soon as the parties are ready to proceed.
  - A worker's or an employer's access to file information is subject to certain restrictions contained in the Act. File access generally takes up to six weeks, but can be longer if objections to the release of information are received.
  - Any evidence concerning an appeal must be provided to the Appeal Commission at least five business days before the review or hearing.
  - A decision will be made within 60 days of the completion of the hearing or review.
2. Under Section 60.10 of the Act, if a party has new evidence that is substantial and material to the decision, they may apply to the Chief Appeal Commissioner and request reconsideration of the decision. The information must not have existed at the time of the original hearing, or been known to the applicant and also could not have been discovered through the exercise of due diligence. If the Chief Appeal Commissioner decides that the evidence meets the reconsideration provisions of the Act, a new hearing on the matter will be ordered. The Chief Appeal Commissioner is unable to consider further arguments about the evidence that was before the original panel.

## AFTER AN APPEAL

The Appeal Commission cannot clarify or change its decision once it has been made, except to correct typographical errors. The panel is unable to provide any further reasons or explanations for its decision, and cannot consider further arguments or submissions by the parties.

Once a decision has been made, there are limited remedies available to the parties under the Act. These remedies are:

1. Under Section 60.9 of the Act, if a party thinks the panel has acted outside its authority or has erred in applying the Act, regulations or WCB policy, the party can approach the Board of Directors of the WCB and ask them to review the decision. The party must identify the error made by the panel. Should the Board of Directors consider that an error has been made, they may order that the appeal be re-heard.

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“HEARINGS AND REVIEWS are conducted in accordance with the rules of natural justice and procedural fairness. All parties to an appeal (i.e. the employer, worker and their representatives) are given an equal opportunity to present their case.”

# the appeal commissioners

The Chief Appeal Commissioner and full and part-time commissioners representing workers, employers and the public interest are appointed by the Lieutenant Governor in Council.

## THE FULL-TIME APPEAL COMMISSIONERS

As at December 31, 2010, there were four full-time commissioners:

### PUBLIC INTEREST

Lindy Choy, Presiding Officer  
Alan Scramstad, Chief Appeal  
Commissioner

### REPRESENTING WORKERS

Pete Walker, Appeal Commissioner

### REPRESENTING EMPLOYERS

Allan Finkel, Appeal Commissioner

## THE PART-TIME APPEAL COMMISSIONERS

As at December 31, 2010, the Appeal Commission had 14 part-time appeal commissioners, four representing the public interest, five representing workers and five representing employers. The services of the part-time commissioners are used when full-time commissioners are in conflict on a case, for vacation relief, when workloads increase, and to maintain their level of expertise.

### PUBLIC INTEREST

Kristin Dangerfield  
Mira Thow  
Sherri Walsh  
Byron Williams

### REPRESENTING WORKERS

Cliff Anderson  
Margaret Day  
Mark Kernaghan  
Marc Lafond  
Grant Ogonowski

### REPRESENTING EMPLOYERS

Margaret Bencharski  
Christiane Devlin  
Ron Koslowsky  
Pam Marsden  
Barrie Simoneau

# highlights

- Peter J. Wiebe, Registrar, continued to serve as a member of the Board of Directors of the Manitoba Council of Administrative Tribunals (MCAT).
- The Appeal Commission enhanced its website by offering more detailed help information for searching public decisions. The site can be viewed at [www.appeal.mb.ca](http://www.appeal.mb.ca).
- In late 2009 and early 2010 our waiting room and main hearing room were renovated to improve our ability to serve our stakeholders.

## commissioner workshops *(continuing education)*

Full and part-time appeal commissioners attend internal workshops and participate in external training throughout the year on topics related to workers compensation and administrative tribunals. Workshops and external training attended in 2010 were:

- Internal workshops:
  - Depression and Post-Traumatic Stress Disorder
  - Functional Capacity Evaluations
  - Definition of Accident under *The Workers Compensation Act* and the *Government Employees Compensation Act*, Occupational Disease and Presumption
- Manitoba Council of Administrative Tribunals sessions:
  - 5th Annual Conference
  - Tribunal Member Training Program
- Council of Canadian Administrative Tribunals conference:
  - The World and Administrative Justice: Forward, to Basics!
- Canadian Bar Association conference:
  - Behind the Eight Ball or Ahead of the Curve? Trends and emerging issues in administrative, labour/employment and privacy/access law
- Canadian Institute conferences:
  - Decision Writing: A Legal and Practical Guide to Making Decisions and Writing Reasons for Members of Administrative Tribunal
  - Running a Fair Hearing

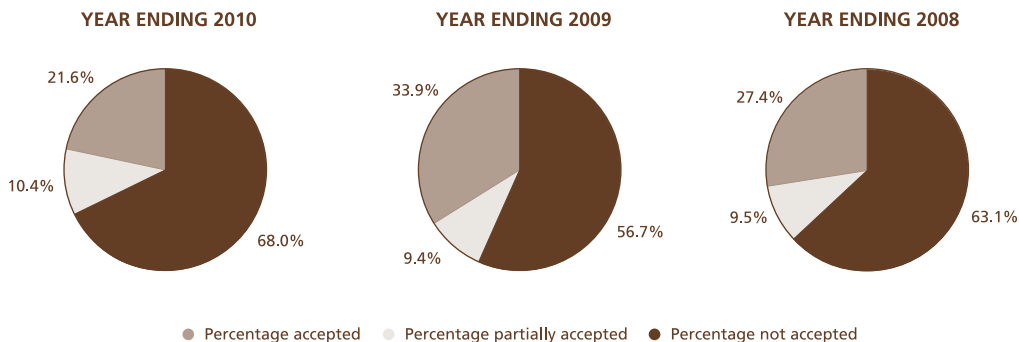
## disclosures under *the public interest disclosure (whistleblower protection) act*

There were no disclosures received in 2010.

# appeal commission statistics

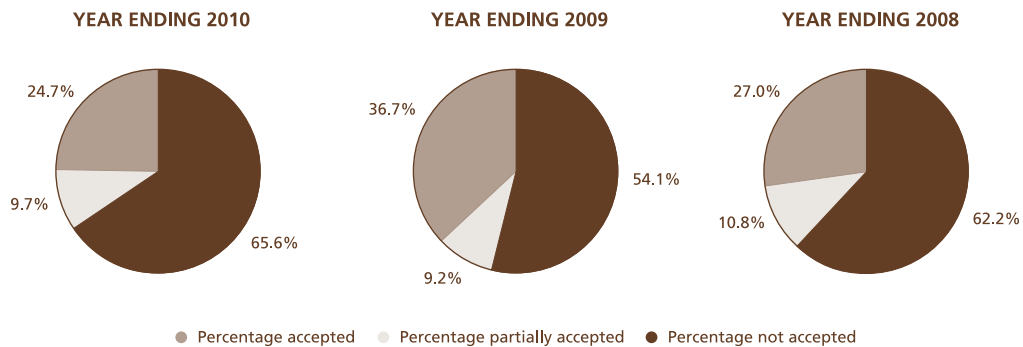
## WORKERS COMPENSATION STATISTICS

TOTAL APPEALS	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Appeals carried forward from previous year	18	29	28
Hearings held (by appeal)	100	106	135
Reviews held (by appeal)	37	15	38
Cases in process	[26]	[18]	[29]
Cases adjourned	[4]	[5]	[4]
<b>TOTAL APPEALS DECIDED</b>	<b>125</b>	<b>127</b>	<b>168</b>
Appeals accepted	27	43	46
Appeals partially accepted	13	12	16
Appeals not accepted	85	72	106
<b>TOTAL APPEALS DECIDED</b>	<b>125</b>	<b>127</b>	<b>168</b>



POST HEARING ACTIVITIES (cases in process)	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Cases awaiting further information requested by the panel	7	2	6
Cases awaiting decision	4	2	4
Decision writing	15	14	19
<b>TOTAL APPEALS DECIDED</b>	<b>26</b>	<b>18</b>	<b>29</b>

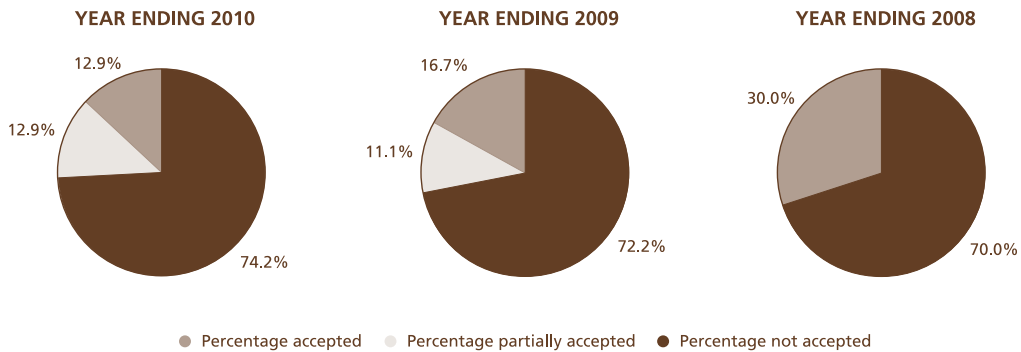
TOTAL WORKER APPEALS TO CLAIM/REHABILITATION ISSUES	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Appeals accepted	23	40	40
Appeals partially accepted	9	10	16
Appeals not accepted	61	59	92
<b>TOTAL</b>	<b>93</b>	<b>109</b>	<b>148</b>



*Number of workers represented by:*

Legal Counsel	3	11	11
Union Representative	7	10	17
Worker Advisor	38	43	52
Advocate	2	4	9
Self Representation	43	40	56
Other	0	1	3

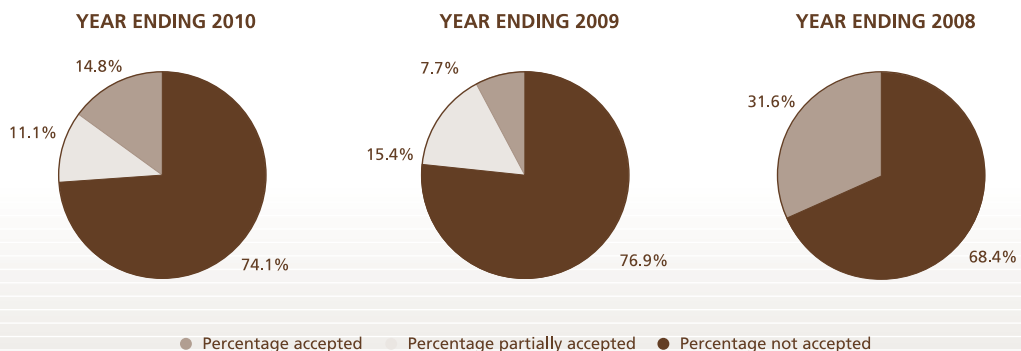
TOTAL EMPLOYER APPEALS	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Appeals accepted	4	3	6
Appeals partially accepted	4	2	0
Appeals not accepted	23	13	14
<b>TOTAL</b>	<b>31</b>	<b>18</b>	<b>20</b>



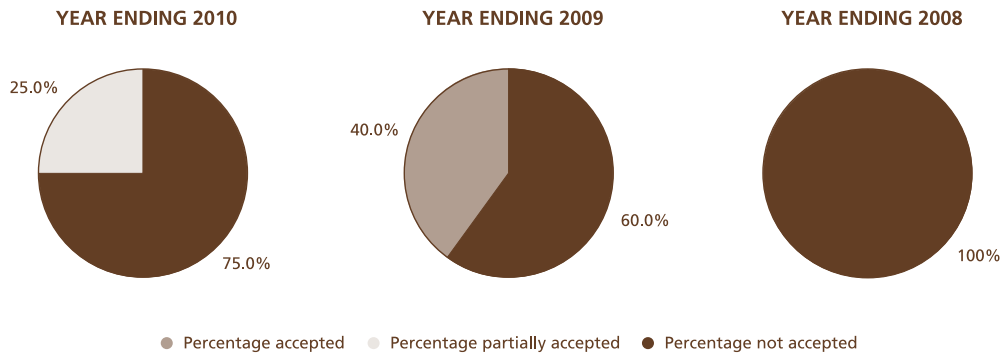
*Number of employers represented by:*

Legal Counsel	1	3	1
Advocate	13	2	11
Employer Agent	14	13	5
Self Representation	3	0	3

EMPLOYER APPEALS TO CLAIM/ REHABILITATION ISSUES	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Appeals accepted	4	1	6
Appeals partially accepted	3	2	0
Appeals not accepted	20	10	13
<b>TOTAL</b>	<b>27</b>	<b>13</b>	<b>19</b>



EMPLOYER APPEALS TO ASSESSMENT ISSUES	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Appeals accepted	0	2	0
Appeals partially accepted	1	0	0
Appeals not accepted	3	3	1
<b>TOTAL</b>	<b>4</b>	<b>5</b>	<b>1</b>

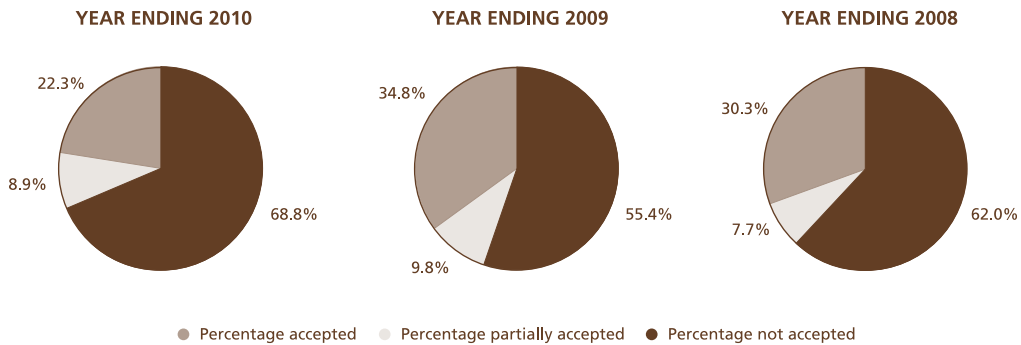


TOTAL THIRD PARTY APPEALS	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Appeals accepted	0	0	0
Appeals partially accepted	0	0	0
Appeals not accepted	1	0	0
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>0</b>

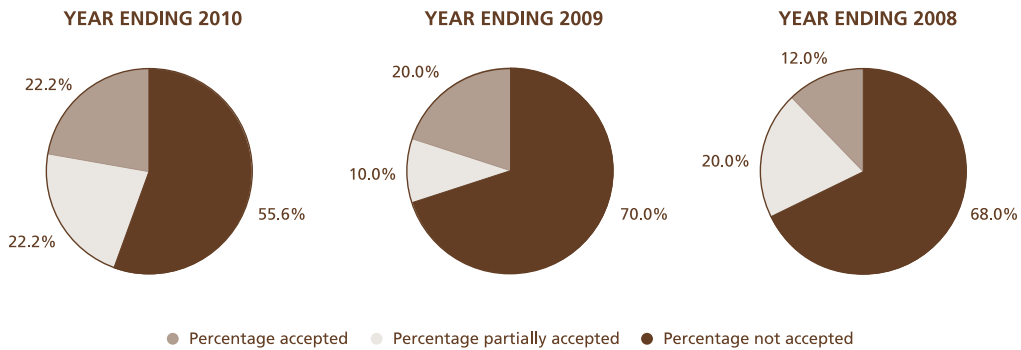
*Number of third parties represented by:*

Legal Counsel	0	0	0
Union Representative	0	0	0
Worker Advisor	0	0	0
Advocate	0	0	0
Self Representation	1	0	0
Other	0	0	0

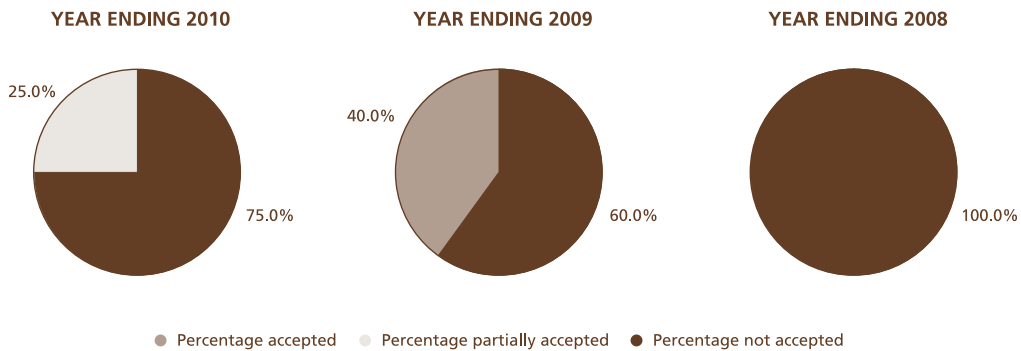
CASE TYPE CLAIM	YEAR ENDING	YEAR ENDING	YEAR ENDING
	2010	2009	2008
Appeals accepted	25	39	43
Appeals partially accepted	10	11	11
Appeals not accepted	77	62	88
<b>TOTAL</b>	<b>112</b>	<b>112</b>	<b>142</b>



CASE TYPE REHABILITATION	YEAR ENDING	YEAR ENDING	YEAR ENDING
	2010	2009	2008
Appeals accepted	2	2	3
Appeals partially accepted	2	1	5
Appeals not accepted	5	7	17
<b>TOTAL</b>	<b>9</b>	<b>10</b>	<b>25</b>



CASE TYPE ASSESSMENT	YEAR ENDING	YEAR ENDING	YEAR ENDING
	2010	2009	2008
Appeals accepted	0	2	0
Appeals partially accepted	1	0	0
Appeals not accepted	3	3	1
<b>TOTAL</b>	<b>4</b>	<b>5</b>	<b>1</b>



TOTAL CASES DECIDED	YEAR ENDING	YEAR ENDING	YEAR ENDING
	2010	2009	2008
	125	127	168

MOST COMMON ISSUES ADDRESSED	YEAR ENDING	YEAR ENDING	YEAR ENDING
	2010	2009	2008
Entitlement to wage loss benefits (post-1992)	44	41	60
Claim acceptance	40	39	52
Entitlement to medical aid payment	18	14	19
Is present condition related to the compensable injury	18	27	11
Is the employer entitled to cost relief	7	1	3
Mitigation	6	2	14
Is worker to reimburse the WCB for overpayment of benefits	4	1	2
Average earnings policy	3	2	4
Discretionary rehabilitation expense	3	1	3
Are employer's assessments payable to the WCB	2	0	0
Deeming process	2	4	10
Entitlement to a permanent partial impairment award	2	4	5
Entitlement to an increase in the permanent partial impairment award	2	1	6
Has the firm been correctly classified	2	0	1
Request for Medical Review Panel	2	4	5
Is worker capable of performing modified duties	1	0	1
Should company pension be deducted	1	0	0
Entitlement to temporary total disability benefits (pre-1992)	1	2	4
Has worker been overpaid benefits	1	0	3
Independent contractor or worker	1	1	0
Entitlement to spousal benefits	1	0	0
Other issues	6	33	35
<b>TOTAL ISSUES ADDRESSED</b>	<b>167</b>	<b>177</b>	<b>238</b>

RECONSIDERATIONS UNDER SECTION 60.10 OF THE ACT	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Number of requests decided	12	8	11
Reconsiderations granted	2	0	2
Referred back to the WCB to address new issues identified by the Chief Appeal Commissioner/designate	0	0	0

FILE ACCESS APPEALS	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Worker appeals	16	10	9
Employer appeals	2	7	1
<b>TOTAL FILE ACCESS APPEALS</b>	<b>18</b>	<b>17</b>	<b>10</b>

## CRIMINAL INJURIES/VICTIMS' RIGHTS STATISTICS

TOTAL APPEALS	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Appeals accepted	0	1	0
Appeals partially accepted	1	0	0
Appeals not accepted	2	0	2
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>2</b>

# service levels

The Service Level Report was instituted in 1997. This tracking system allows the Office of the Registrar to review the time it takes an appeal to move through the appeal process. Service levels are reviewed at various stages of the appeal process to identify delays and to determine if administrative improvements can be made.

Appeal Commission staff personally contact all interested parties when scheduling hearings to obtain a date and time convenient to the parties and to allow sufficient time for the parties to fully prepare.

According to Regulation 279/91, *Appeal Commission Rules of Procedure*, an appeal panel must publish its decision within 60 days following the conclusion of a hearing. A hearing is considered to have concluded once the panel obtains the necessary information to allow it to make a decision.

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“SERVICE LEVELS are reviewed at various stages of the appeal process to identify delays and to determine if administrative improvements can be made.”

## SERVICE LEVEL STATISTICS

*(Based on decisions published as at December 31, 2010)*

	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Average time from date appeal received to date of hearing	27.10 wks	16.00 wks	14.83 wks
Average time from hearing date to decision published	8.17 wks	9.82 wks	8.61 wks
<b>AVERAGE TIME FROM DATE APPEAL RECEIVED TO DECISION PUBLISHED*</b>	<b>35.27 wks</b>	<b>25.82 wks</b>	<b>23.44 wks</b>

*\*Includes all cases where the panel did not make a decision immediately after the hearing/review due to a request for additional information.*

# about medical review panels

Medical Review Panels enable the WCB or Appeal Commission to obtain impartial, independent advice on medical matters that affect a worker's right to compensation.

Subsection 67(3) of the Act allows the WCB or Appeal Commission the discretion to refer a medical matter to a Medical Review Panel for an independent opinion. This may occur when a claim is fairly complex and an independent expert opinion is required.

Subsection 67(4) of the Act establishes the right of an injured worker to a Medical Review Panel if there is a difference of opinion on a medical matter between the worker's physician and a WCB medical advisor and this difference affects the worker's entitlement to compensation. A Medical Review Panel must be convened if a difference of opinion, as defined by subsection 67(1) of the Act, exists.

Subsection 67(4.1) of the Act provides that an employer may request that the WCB refer a medical matter to a Medical Review Panel for its opinion. The medical matter must be real and substantial and affect entitlement to compensation.

A Medical Review Panel is comprised of a Chairperson and two panel members. The Minister responsible for the Act appoints the Chairperson and the Alternate Chairperson. The worker and employer select the other two panel members from a list of physicians, provided by the College of Physicians and Surgeons, who

specialize in the matter under consideration. In addition, specialist consultants in other fields may be invited to attend and assist the panel.

Physicians who have treated the worker, who examine workers on behalf of the employer, or who have acted as consultants in the treatment of the worker are not eligible to serve on the Medical Review Panel.

The independent nature of the Medical Review Panel process ensures that the medical advice obtained is impartial and is based upon the facts of the case as documented on file and as discovered through the process.

The findings of a Medical Review Panel are considered evidentiary in nature and are not binding upon the WCB or the Appeal Commission.

The Chairperson of Medical Review Panels is Dr. Gary Beazley. The Alternate Chairperson is Dr. Mallory Fast.

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“THE INDEPENDENT NATURE of the Medical Review Panel process ensures that the medical advice obtained is impartial and is based upon the facts of the case as documented on file and as discovered through the process.”

# medical review panel statistics

MEDICAL REVIEW PANELS (MRPs)	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Total MRPs convened	5	0	8
<b>INITIATED BY:</b>			
Primary Adjudication	5	0	8
Review Office	0	0	0
Appeal Commission	0	0	0
<b>CONVENED UNDER:</b>			
Subsection 67(3)	0	0	1
Subsection 67(4)	5	0	7
Subsection 67(4.1)	0	0	0

MEDICAL REVIEW PANELS CONVENED BY AREA OF MEDICAL SPECIALTY	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Orthopaedic Surgery	2	0	5
Physical Medicine & Rehabilitation	1	0	2
Psychiatry	1	0	1
Neurology	1	0	0
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>8</b>

# service levels

The convening of a Medical Review Panel is a complex process where a panel of specialists and consultants are brought together on a specific day to meet, examine a worker and answer questions placed to them. This involves arranging a time convenient to all parties, the preparation of documents and the publishing of the Medical Review Panel findings.

MEDICAL REVIEW PANEL SERVICE LEVEL STATISTICS	YEAR ENDING 2010	YEAR ENDING 2009	YEAR ENDING 2008
Average time from date of request to date MRP held	31.29 wks	N/A	19.47 wks
Average time from date of MRP to date report is published	4.14 wks	N/A	4.23 wks
<b>AVERAGE TIME FROM DATE OF REQUEST TO DATE REPORT IS PUBLISHED</b>	<b>35.43 wks</b>	<b>N/A</b>	<b>23.70 wks</b>



THE APPEAL COMMISSION  
THE WORKERS COMPENSATION  
ACT OF MANITOBA

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