



Practice Direction #24

Inactive Appeals

1.0 This Practice Direction explains

- when the WSIAT might make an appeal inactive
- the procedure for making an appeal inactive
- the procedure for reactivating an appeal
- the procedure for updating or closing an inactive appeal

2.0 Inactive Appeals

2.1 The WSIAT can make an appeal inactive if it cannot prepare the appeal for hearing or issue a decision.

2.2 The WSIAT can make an appeal inactive if it is requested by an appellant. This is if they need more time to

- get a representative
- prepare for the hearing
- get additional information
- complete related issues at the Workplace Safety and Insurance Board (WSIB)

2.3 The WSIAT might make an appeal inactive if it is requested by the respondent.

2.4 The party that is requesting an appeal be made inactive must provide

- their reasons
- an estimate of when they expect to be ready to proceed

- 2.5 The WSIAT can make an appeal inactive without it being requested. For example, the WSIAT can make an appeal inactive if the appellant
- does not respond to the WSIAT's letters or phone calls
 - has not provided the required information
 - needs time to consider if they want to continue or abandon the appeal
 - is not able to commit to a hearing date
- 2.6 The WSIAT will write to the participating parties to let them know why the appeal is going inactive. The WSIAT will also outline what would be required to reactivate it.
- 2.7 The WSIAT can decline a request to make an appeal inactive.
- 2.8 The WSIAT can reactivate an appeal without the agreement of the parties.

3.0 Objections to an Appeal Being Made Inactive

- 3.1 A party may object to
- an appeal being made inactive
 - the WSIAT declining to make the appeal inactive
- 3.2 A Vice-Chair will consider the objection. They will issue a decision. Or, they will provide direction about the further processing of the appeal.

4.0 Communications for Inactive Appeals

- 4.1 While an appeal is inactive, parties must inform the WSIAT if
- their contact information changes or if their representative information changes
 - they decide not to continue with the appeal

5.0 Reactivating Appeals

- 5.1 Any participating party can request an inactive appeal be reactivated.

- 5.2 Requests to reactivate an appeal must be made in writing. If the appeal was made inactive because of missing information, the parties must
- provide all the missing information, or
 - explain why the information cannot be provided
- 5.3 A request to reactivate an appeal will be denied if the appeal still cannot be concluded. In these cases, the WSIAT writes to the participating parties. The WSIAT explains the reason and what needs to be done.
- 5.4 Parties requesting that an appeal be reactivated should expect this process to take some time. The WSIAT has to
- get claim file updates from the Workplace Safety and Insurance Board (WSIB)
 - review the appeal before it can be reactivated
- 5.5 The WSIAT can reactivate an appeal with or without the agreement of the parties.

6.0 Updating and Closing Inactive Appeals

- 6.1 The WSIAT's caseload has many inactive appeals that cannot be concluded. The WSIAT updates cases that it will be reactivating. The WSIAT closes inactive appeals that have been abandoned. The WSIAT does this so that it does not have a lot of inactive cases in its caseload.

7.0 Updating Inactive Appeals

- 7.1 The WSIAT might write to the appellant (or the representative) of an inactive appeal if
- the respondent requests that an inactive appeal be closed or continued to a hearing and decision
 - the appellant (or the representative) has not been in contact with the WSIAT for an extended period of time
 - the WSIAT becomes aware that the appeal information is not current
 - the parties' time estimate to be ready has expired without explanation

In these cases, the WSIAT will ask the appellant to confirm that they want to continue the appeal. If the appellant is not ready to continue, they must provide a letter. This letter must explain the steps taken to prepare the appeal and an estimate of when they will be ready.

7.2 When the appellant provides the information requested, the appeal information is updated. The file may remain inactive.

7.3 The WSIAT may close the appeal if the appellant

- cannot be located
- is unresponsive
- does not provide the requested information

8.0 References and Resources

8.1 Legislative Authority

Workplace Safety and Insurance Act, 1997, section 131 (the WSIAT can determine its own practice and procedure)

8.2 Related Practice Directions

#23 – Adjournments and Withdrawals

#26 – Closing Appeals by the WSIAT

#33 – Role of the Vice-Chair Registrar at the WSIAT

#36 – Delivery and Filing Documents