



## Practice Direction #26

### Closing Appeals by the WSIAT

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#### 1.0 This Practice Direction

- explains when the WSIAT considers an appeal abandoned by the appellant
- describes the Notice of Intent to Close letter, and when it is sent
- outlines the procedure for closing an appeal that has been abandoned

#### 2.0 When May an Appeal be Considered Abandoned?

2.1 The WSIAT may close appeals when it appears that the appellant has abandoned the appeal. This could be when the appellant has not

- submitted a complete Notice of Appeal Form
- submitted a complete Hearing Ready Form
- provided information the WSIAT requested
- acted on a Vice-Chair's or Panel's instructions (this could be from an interim decision, adjournment memo or written ruling)
- provided current contact information

#### 3.0 Failure to Provide Information

3.1 The WSIAT will write to the appellant when information is needed to prepare or conclude an appeal.

3.2 If the WSIAT does not receive the requested information, it sends a Notice of Intent to Close letter.

3.3 If the information requested is a direction from a Vice-Chair or Panel, any responses (or lack of response) will be referred back to the same Vice-Chair or Panel. They will be asked for further instructions.

- 3.4 If the appeal is referred to a Vice-Chair or Panel, they may
- make the appeal inactive or extend the inactive period
  - instruct the WSIAT to close the appeal without issuing a decision
  - issue a decision finding that the appeal has been abandoned or withdrawn
  - refer the appeal for a hearing

#### **4.0 Notice of Intent to Close the Appeal Letter**

- 4.1 This letter warns the appellant that the WSIAT may close the appeal as abandoned if they do not provide the required information. They need to submit the information by the deadline date in the letter.
- 4.2 Before sending the notice letter, WSIAT staff will make 1 attempt to contact the appellant by phone. During the phone call, staff will review the information required to proceed with the appeal.
- 4.3 The Notice of Intent to Close letter is signed by the Director of Appeal Services (or their designate). It explains what the appellant is required to do to prevent the WSIAT from closing the appeal as abandoned. The letter provides a timeframe that the appellant must respond to in writing.
- 4.4 The deadline to respond to a Notice of Intent to Close letter is **4 weeks**.
- 4.5 The notice letter is sent to the last address on file for all participating parties.
- 4.6 If the appellant responds to the Notice of Intent to Close letter, the WSIAT may
- prepare the appeal for hearing
  - make the appeal inactive
  - extend the inactive period
  - refer the appeal to a Vice-Chair or Panel for further instructions

#### **5.0 Closing Appeals by the WSIAT**

- 5.1 If the appellant does not respond to the Notice of Intent to Close letter by the response deadline, the appeal is closed. There will be no other notice.

- 5.2 If a letter to the appellant is returned to the WSIAT undelivered, staff will make all reasonable attempts to get current contact information. If the appellant cannot be located, the WSIAT will close the appeal without further notice. This will happen after the response deadline in the Notice of Intent to Close letter.
- 5.3 If the WSIAT cannot locate an appellant before a Notice of Intent to Close letter is sent, the Director of Appeal Services (or their designate) will authorize the closure of the appeal. The WSIAT will put a memo on file to confirm the closure.

## **6.0 Closed Appeals**

- 6.1 Once an appeal is closed as abandoned, an appellant can start an appeal of the same decision(s) again but time limits will apply.

## **7.0 References and Resources**

### **7.1 Legislative Authority**

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

### **7.2 Related Practice Directions**

#4 – How to Prepare an Appeal at the WSIAT

#15 – Time Extension Applications

#24 – Inactive Appeals

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

#36 – Delivery and Filing Documents