

How Do I Appeal WSIB Decisions

Any time that you are notified by your WSIB Case Manager that a decision is being made in your claim, make sure you request that decision in writing. Once you receive the letter from your Case Manager, and you disagree with the decision that has been made, notice of your intent to appeal that decision must be put in writing, within the specified deadline. The decision letter will notify you as to when that deadline may be; often it is 6 months from the date of the decision. It is best to fax your letter, or send via registered mail, so that you have proof submission.

Once you submit your intent to appeal, the WSIB will provide you with a complete copy of your WSIB file, along with the Objection Form. The Objection Form must be completed and submitted to the WSIB in order to initiate the appeals process. It is on this form that you indicate what the issue in dispute is, and what resolution you are seeking as a result of your appeal.

Once you submit the completed Objection Form, your issue will be referred to the WSIB Appeals Branch, where an Appeals Resolution Officer will be assigned to your case. There are different methods of resolution available through the WSIB Appeals System, as follows:

- a) A 60-Day Option, wherein an Appeals Resolution Officer reviews your claim and makes a decision based on the existing documentation on file within 60 days.
- b) Oral Hearing wherein you attend the office of the WSIB to present your case before an Appeals Resolution Officer. During the hearing you will be expected to provide testimony regarding your issue(s), and make legal arguments as to why your objection should be allowed.
- c) Written Submissions. Sometimes it is not necessary to have an in-person oral hearing, particularly when the issue under appeal is based upon medical evidentiary issues, or legal principles, rather than factual disputes.

Note that your employer has the right to participate in the Appeals Process. They also have the right to appeal any decisions made by the WSIB.

For more information regarding your rights in the Appeals process, contact our office for a free consultation.