

REVIEW DECISION

Re: Review Reference #: R0331916
Board Decision under Review: October 4, 2024

Date: January 15, 2025

Review Officer: Nick Attewell

On October 4, 2024, the Workers' Compensation Board ("Board"), which operates as WorkSafeBC, decided to impose citation orders on the applicant for its failure to comply with a prior order. The request for review was received on December 4, 2024, 8 days late.

Issue

Should the applicant's request for an extension of the 45-day statutory time limit to request a review of that decision be allowed?

Reasons and Decision

Before an extension of time can be granted, section 270(2) of the *Workers Compensation Act* ("Act") says the Chief Review Officer must be satisfied that special circumstances precluded the applicant from filing a request for review on time. If special circumstances are found, the Chief Review Officer must then decide whether an injustice would result if an extension was denied and, if so, consider whether to exercise the statutory discretion to grant an extension of time. Guidance in deciding whether to grant an extension of time is found in the published Review Division's *Practices and Procedures* ("*Procedures*"), Items A2.4.2. to A2.4.2.6. Pursuant to section 274 of the *Act*, the Chief Review Officer has authorized me to make decisions on requests for extensions of time.

The applicant submits that it is unable to comply with the prior order due to financial difficulties. It has been attempting to resolve the matter with various persons at the Board but has not been successful.

Considering that the request is only 8 days late, I accept that special circumstances precluded the applicant from filing a request for review on time. There is also a significant issue to be reviewed here and the applicant would be prejudiced if the extension was denied. The applicant should, however, be aware, that the review will likely be limited to considering whether the citation order was properly imposed. The Review Officer will not consider the applicant's

desire for some kind of arrangement with the Board about how it will pay what it owes. It will need to discuss that separately with the Board.

Conclusion

I allow this application for an extension of time to file a request for review of the October 4, 2024, decision, which is accepted as of the date of this decision letter.

Nick Attewell
Review Officer
Review Division