

NON – PRESENTING SUBMISSION #32

Name of Presenter: Withheld
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Via email

To whom it may concern;

Although all of these problems and directly related to one claim I am sure these same problems affect other claims. I have also read what has already been posted on the website and there are numerous problems that are arising on a number of claims.

I am putting this in story form and numbering the different problems and then will outline them at the end.

From here on out the claimant shall be referred to as Joe Blow.

Feb 1988 Joe Blow who lives with his mother has very little education (primary school level tested by WCB) and very limited English and can not live on his own yet helps support his family visits his home country with anticipation to permanently move there at the end of the 1988 work season and to start work in Nov at a higher paying job. Also did private carpentry work but that did not count for WCB.

July 1988 accident. Herniated disc. Due to accident he is forced to pay rent and stay in WPG #1. Surgery 1989. WCB sends him back to the same company and same Job although the company can not supply a job with-in the restrictions set by WCB Drs and Joe Blow continues to do the same heavy job #2.

1990 Company will not take him back 1989 Joe Blow gets his yearly raise #3 from the company as agreed to when he started due to medical restrictions. WCB does nothing to help. WCB gets no one involved, no interpreter and does not advise Joe Blow he should be receiving benefits while he is at a lower paying job.

Joe Blow attempts other construction jobs until he can physically no longer work.

WCB does nothing until 1996 by this time the claimant has been forced to declare bankruptcy due to helping his parents (in another country) his ex-wife and trying to support him. It should be noted at times he was

working in a much lower paying Job and WCB never advised him that they should be making up the difference. This was only corrected years after the damage had been done. And then he had to repay some UI benefits due to receiving a lump sum of back pay.

In 1996 the decision is made he will continue with his original plans and return to his home country with his parents. Due to help from his ex-wife she insists that WCB try Voc rehab. A plan is set a deadline is set out as to time limits for finding him a placement.

A few suggestions are made but never pan out, including one suggestion to place him in a place for mentally and physically challenged engraving plaques. Well he is not mentally challenged just not educated and with the lack of English this was unacceptable. He was humiliated and insulted by WCB workers when one said in front of him and witnesses "Well he is too stupid for anything else" in this matter. The deadline came and WCB could not find him a placement. As for the policy stating that WCB try and find suitable placement with earning as close to original as possible they do not #4

WCB Drs assured him that with-in a few months he would be able to work at a 4 hour a day light weight job. He decided to leave Canada and return thinking he could help his father cleaning fish. Therefore after the deadline for placement had passed he left with the understanding he would get somewhat better and would take a cut in pay after 3 months. WCB had been advised at several points between Dec 1996 and Dec 2001 that the claimant had never improved and in fact was hospitalized. There were medical letter sent and filed and ignored. When in fact the opposite was true he was declining to the point where he was in a wheel chair.

A written letter was sent for the review board and appeal board in 1996 that was ignored until 2001. #5

In Feb 2002 Joe Blow had surgery again to remove pieces of the fragmented disc that had been left from the original surgery. Joe Blow was in a wheel chair until August of 2003 until he found an unlicensed osteopath that realized there was a vertebra that had moved and was putting pressure on the nerve. He still to this day pays for those treatments on his own. The Drs have confirmed and notified WCB Drs of instability of the vertebrae and have suggested to stabilize the vertebrae but WCB says no.

Although contrary to what the attending Neurosurgeon said, WCB decided Joe Blow should be fit for work in April 2003 and again cut his benefits. Just a note it is not only a neurosurgeon there is also an

attending orthopedic surgeon and a private insurance company Dr as well. The insurance company Dr (It should be noted that this Dr was chosen by the insurance company and had no prior knowledge of the claimant nor history his decision was based on a physical exam and the WCB medical history on file) agreed that the insurance company should and did pay out Joe Blows mortgage as he is permanently physically disabled to the degree of 70%. #6

In the written agreement that Joe Blow signed in 1996 prior to leaving the country it was stated that he would take a cut in benefits 4 hours per day at minimum wage and that WCB would cover all phone calls.

Although this is not covered in the policy I think it should be as in 2002 WCB decided they would no longer accept collect calls nor reimburse him and this was upheld by the appeal board as they say there is no policy to this effect. #7

In this case we are talking about a 24 year old man that worked very little from the time of the accident and when he retires he will have a pension of less then \$180.00 per month. #8

#1 When a claimant has made arrangements regarding moves or what have you prior to the accident I think WCB should be responsible for any costs associated with it that are effect strictly due to the accident. In this case Joe Blow was forced to separate from his family and remain alone in WPG and forced to pay rent then when he moved it was given to him in writing any cost related to medical treatment would be covered and yet those were terminated in 2002. There is no policy in place for a prior situation like this however there is one that WCB will terminate benefits if they can prove you had made prior arrangements for an early retirement.

#2 I believe some changes to the policy need to be effected to make sure Claimants are not being returned to a potentially dangerous job it was written in the file yet WCB informed the claimant he must return or have benefits terminated.

#3 I believe that if the work history shows yearly pay increases that WCB should be forced to continue these. The company stated to WCB Joe Blow would not be brought back for the 1990 season due to physical restrictions therefore WCB did not apply the wage increase he had been getting. Naturally benefiting WCB and the employer not the claimant.

#4 If WCB's Voc rehab can not find a placement I think there should be a policy in place to deal with a situation like that even if it means saying that the claimant is unemployable. To take a 28 year old man from heavy duty construction 60 hours a week and place him with physically and mentally challenged people in a situation for 4 hours a day where no one speaks his language is in the least to say very insulting and humiliating. And to keep him in a country when plans were made prior to the accident alone and without family is also unreasonable.

#5 Any letters be it from the claimant or from a Dr should be dealt with at the time. This resulted in WCB saying 5 years later they would have need more tests done at the time which directly affected the claimant's benefits. As for a written letter asking for a review and appeal going unattended for 5 years I think this is totally unacceptable and WCB should automatically be ruled against. There needs to be some time frame in the policy dealing with workers that file letters and ignore them. When information is not dealt with with-in an appropriate time frame the onus should be on WCB not the claimant providing the claimant has done his part on getting the information to WCB.

#6 When a claimant can not be seen by a WCB Dr I think there should be something in the policy stating how many other Drs and what qualifications they need for WCB to adhere to there advise. Also there should be a policy in effect stating when and how a case manager can and can not go against the advise of WCB Drs. In this file they pick which of their Drs and which outside Drs they choose to believe. Either WCB Drs are always right or their advice adhered to or not. And what happens when 2 WCB DRS disagree? There is no policy regarding this so the case worker chooses to believe whatever will benefit WCB regardless if it actually hurts the claimant. There seems to be great problems with WCB and their DRS. In this file 2 WCB Drs make a diagnosis and is supported by outside Drs. Only to have the 1 current Dr disagree and he has never seen the claimant or any tests. And guess who the case manager believes?

#7 When WCB agrees in writing to something that is not covered by policy and no policy comes into effect to change that decision I think they should be forced to follow the written agreement.

#8 I think some policy needs to be implemented effective the date a PPI is awarded AND there is a great loss in earning potential that some provisions are made to supplement the worker income after retirement at least to the 90% limit of what the pension should have been...

#9 When there is a clear mistake made in the file and is found that information should be removed at least to a separate part of the file as WCB tends to skim through the file and pick and choose what they want to hear and normally it is the problem parts. Even when 2 WCB Drs disagree they will believe what is best for WCB not necessarily what is right and true.

#10 I think WCB should implement a policy that entitles permanent long term claims can be paid out and signed off if the claimant is advised of what he is doing and what he could potentially be losing. It is very difficult for Claimant to get on with any decent life as no financial institution will give anyone on WC a loan or mortgage so long term claimants have great difficulties in purchasing a home a vehicle or even getting loans for their children's educations or for their spouses to re-educate themselves to help out. Either that or WCB starts giving loans to claimants. When discussing claims that are going to run for more then 15-20 years WCB is ruining the claimant's lives.

I am not talking about paying out a claimant that has a problem that will potentially shorten their life span but as in this case the only medical problems are all directly related to the accident and this claimant would benefit from a payout he could go ahead at his own cost and risk of the surgery the Drs suggested and at least have some say in his life. WCB pays out 75% or 90% of earnings even if only 90% of the rate payable***at date was figured until the age of 65 was paid long term claimants would have a chance at a semi-decent life and investing for their retirement. And in the long run WCB would be saving money as they would no longer be responsible for any changes in the medical condition or cost of living increases. A similar system as to what MPIC uses.

*** EX: Joe Blow receives \$260.00 weekly. WCB Drs say he can only work 4 hours per day at minimum wage. (WCB can not find him employment and no one will hire him as they find his injuries to high risk) This has gone on for over 8 years since he left the work force completely prior was top up benefits since 1998 .He is now 40 years old. This is in writing and permanent.

\$260.00 X 52 weeks = \$13,520.00 per year X 25 years =\$338,000.00 + more if he gets worse + all medical expenses + WCB administrative costs + cost of living increases.

Which I believe in the next 25 years would far exceed \$600,000.00 Now if we were to take that \$338,000.00 say times 90% =\$304,200.00 and pay it out and close the claim. WCB would be well ahead of the game and Joe Blow has some control over his financial future and his future health wise. But of course this would stop WCB from having control over his life and making it miserable for him.

As things are he earns approx minimum wage Yet he was earning in excess of \$10.00 per hour, (with yearly increases) 60 hours a week. He will have a pension at retirement of approx \$180.00 per month. And what kind of a life is that from the age of 24? Does anyone actually believe he would still be making so little at his same job after 16 years? He was getting yearly increases that do not compare with the yearly increases that WCB provides. He would make more working 1 day with his yearly raise then WCB gives for a whole month. Does anyone really believe that WCB is for the benefit of the workers?

I do believe the WCB policy benefits short term wage loss fairly appropriately however when we are talking long term and young workers it is more harmful them helpful.

#11 A policies are needed to place an outside party to be available to review a file on request as the system in place does not work. The minute you place the file for review the review worker is talking to the case manager. And then the appeal board only looks at parts of what is in the file which is not always correct. The case managers are for the benefit of WCB who is for the benefit of the claimants? It is not workers advisor because I have seen cases where they also speak to the case manager and refuse to help even when it comes to filing an appeal.

#12 A policy needs to be implemented for when WCB refuses to take responsibility for a surgery yet the claimant goes ahead with it. If they deny responsibility from the beginning they should not be able to reduce benefits if the claimant is improved afterwards. Because they do not increase benefits when the claimant is worse. I do not think they should be allowed to take the wait and see approach and only do what suits

them. If they refuse responsibility from the beginning then they should also refuse any changes in the outcome one way or the other. The typical scenario now is WCB refuses responsibility yet says you can go ahead and have the surgery we will not pay TTD while you are in hospital afterwards if you are better we will reimburse you the TTD while you were in hospital and then lower your payments however if you are worse we will do nothing. This is not right nor fair.

#13 Clarification needs to be made to the policy regarding overpayments. What happens if WCB pays the same claimant twice for the same time period? Is that not an administrative error? I have seen it happen they made a mistake in dates and paid the claimant twice for the same time period and then say it was not an overpayment and did not follow policy procedures for recovering and overpayment. This policy needs to be clarified.

It is a shame people suffer bankruptcy, poverty, family losses mental problems, suicides and attempted suicides and WCB just keeps playing games.

I also agree with the idea that if a worker obviously goes against policy and is overruled at any level there should be some recourse with the worker and maybe they would stop playing so many games.

And yes I can verify everything stated above however the problem is as other people have mentioned the appeal board only looks at the errors in the file and not what the claimants have to say. And no body else cares until the suicide hit the front page of the news.