

Appeal

The LAT Handbook: Dispute Resolution Procedure for Accident Benefits

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Appeal

As provided by Rule 18, either party can request an appeal, or the executive chair of the SLASTO on her own initiative, can request an appeal. The party requesting an appeal must do so within 21 days of the Tribunal's decision.

If a party wants to appeal the Tribunal's decision, the party must serve the other party with the reasons for appeal within 21 days of the decision. The party must advise if the party is seeking judicial review or pursuing an appeal. There are important differences to consider when choosing to proceed by way of either judicial review or an appeal.

Under judicial review, the concern is with the fairness of the decision-making process and the legality of the decision reached. An appeal is instead pursued in relation to the merits of the decision. For example, a party may seek an appeal if the decision maker made an alleged error in law or an error of a finding of fact.

Reconsideration of the LAT decision is granted if the executive chair of the SLASTO is satisfied that any one of the criteria listed below are met:

- the Tribunal acted outside of its jurisdiction;
- the Tribunal violated the rules of natural justice or procedural fairness;
- the Tribunal made a significant error of law or fact, such that the executive chair would likely have reached a different decision;
- there was false or misleading evidence from a party or witness that was only discovered after the Hearing and would have affected the result; and
- there is new evidence that could not be reasonably have been obtained earlier and would have affected the result.

The Executive Chair cannot grant a reconsideration without providing all parties with an opportunity to make submissions. If the reconsideration is granted, the Executive Chair can dismiss the request, or confirm, vary, or cancel the decision, or, order a Re-Hearing on all or part of the issues.