

Permanent Functional Impairment Pension/ Disability Award Decision

REVIEW CHECKLIST

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This document has been created in order to assist CUPE members in determining whether or not their Permanent Functional Impairment (“PFI”) Award/Pension has been correctly determined by WorkSafeBC (“WCB”). The following table contains a number of the key issues and criteria that should be considered, however, as each claim is unique, there may be a number of other issues/criteria that need to be taken into account. This document is only for general reference.

PFI Awards are currently either:

- Permanent Functional Impairment / Loss of Function based, or
- Loss of Earnings based

See *RSCM //* Policy 36 to 46, Practice Directives C18-1, C6-1 and C6-2, and Section 23 of the *Act*.

Please be advised that the Policy numbers may change as WCB policy is continuously being revised. The Rehabilitation Services and Claims Manual (“RSCM”) should be consulted in all cases for the most up to date Policy.

The Permanent Disability Evaluation Schedule in Appendix 4 of the *RSCM //* is a guideline for those types of injuries listed in the Schedule, or, where that particular part of the body is addressed in the Schedule. Where there are multiple injuries, and occupational disease, for body parts not listed, and Unscheduled Award may be made.

There are a number of other issues that must be considered such as whether or not a Loss Of Earnings (“LOE”) should be requested, whether or not the award has been correctly calculated in terms of numeracy and mathematical calculations, and whether the termination date of Age 65 is correct. Please note, CUPE advises that in every case where a Disability Award/Pension is scheduled to terminate at Age 65, any decision letters referring to this termination date must be appealed. For further information on Age 65, please request our documentation regarding Age 65 as it pertains to WCB claims and see the Guide for CUPE BC members – Access to WCB Benefits Age 65 and Over.

Key Issues in Assessing PFI Decisions	Have these Factors/Issues been Considered? (please <input checked="" type="checkbox"/> Yes or No)			
Is the Award Scheduled or Unscheduled ?				
Was the right Schedule item used?	Yes		No	
Were the physical measurements accurate such as ROM?	Yes		No	
Were the measurements properly assessed in the PFI Award?	Yes		No	
Were additional factors considered as per the WCB Additional Factors Guidelines document?	Yes		No	
Were all the compensable conditions adjudicated?	Yes		No	
Was there a Loss of Earnings ("LOE") Award?	Yes		No	
Were all the compensable conditions referred to Disability Awards?	Yes		No	
Does the PFI decision contain a decision or reference that retirement will occur at age 65 or that benefits will terminate at age 65?	Yes		No	
Was there a decision regarding proportional entitlement?	Yes		No	
Was there a decision regarding Enhancement which takes into account the effect of several combined disabilities and whether both are compensable?	Yes		No	
Was there a decision regarding Devaluation in which a worker already has a PFI in the same body area and as such, a second PFI may be devalued or reduced to reflect the added impairment only?	Yes		No	
Is a lump sum or a commutation payable?	Yes		No	
Is there a decision regarding interest payable in the PFI award?	Yes		No	
Is this decision regarding the PFI award interest correct as per such things as the Blatant Error Test?	Yes		No	
Has Chronic Pain been considered? Is there an award?	Yes		No	
Is there a DSM IV diagnosis such as pain disorder?	Yes		No	
Is a referral to a physiologist or psychiatrist required in order to determine if there are any pain disorders that may fall under the DSM IV?	Yes		No	
Is there the presence of osteoarthritis, arthritis or any other degenerative condition and if so, was this considered in the award?	Yes		No	
Is the degenerative condition a primary or secondary type?				

Are there any side effects from any medications taken for the injury, condition, or occupational disease?	Yes		No	
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Please consider whether or not there are other disability or pension benefits that should be applied for including benefits that may fall under the Collective Agreement, the Canadian Pension Plan Disability Benefits, Sick Leave, Employment Insurance, Unemployment Insurance, etceteras, recognizing that PFI Pensions/Disability Awards may be decreased by ½ (50%) of any Canada Pension Plan pension awarded. As stated previously, WCB Regulations and Policy are continuously being revised. In addition, there are many court cases that occur that modify or impact the application and adjudication of WCB claims. This document is only a guideline and should not be interpreted as a legal opinion, advice or advocacy. In all cases, the pertinent Policy Regulation, Practice Directives, court cases, WCB Act and legislation should be consulted.