



**RECOMMENDATION FOLLOWING AN APPLICATION FOR REVIEW OF
THE INSURER'S WORK CAPACITY DECISION PURSUANT TO SECTION
44(1)(c) OF THE *WORKERS COMPENSATION ACT 1987*.**

SUMMARY:

- a. The application for procedural review was not made within time and WIRO has no jurisdiction to make a recommendation.**

Recommendation

1. The applicant seeks procedural review of a work capacity decision made by the Insurer on 21 March 2014. The applicant sought internal review from the Insurer which made a decision dated 24 April 2014. He sought Merit Review on or about 20 May 2014 and the Authority issued the Merit Review recommendation on 12 June 2014. The applicant made application to this office on 8 August 2014.
2. *Section 44 (3) of the Workers Compensation Act 1987 (the 1987 Act)* requires the applicant to make an application for review to the Independent Review Officer "within 30 days of receipt of a decision in the form approved by the Authority."
3. The applicant did not apply for a procedural review until 57 days after the Merit Review Recommendation.
4. WIRO has no jurisdiction to make a recommendation since the application is out of time and there is no discretion within the section to allow for exceptions.

Tracey Emanuel
Delegate of the WorkCover Independent Review Officer
26 September 2014