

FUTURE ECONOMIC LOSS (FEL): REVIEWS AFTER THE 60 MONTH FINAL REVIEW

When will WSIB conduct a final review of your FEL award?

WSIB is required to conduct a final review of your FEL award 60 months (five years) after the date of your initial FEL determination. Usually, WSIB cannot review your benefits again after your final review. However, there are some important exceptions to this general rule.

When can WSIB review your FEL award after the 60-month final review?

WSIB may review your FEL award after 60 months from the date of your initial FEL determination in several specific circumstances. These exceptions deal with situations where there has been a change in your condition or where a proper review of your FEL award cannot be done at the 60-month date.

Can WSIB review your FEL award if you fail to report a material change in circumstances or commit fraud or misrepresentation?

Yes. WSIB can review your FEL award if you fail to report a material change in circumstances or commit fraud or misrepresentation. In these circumstances, WSIB can review your FEL award at any time. See OWA Fact Sheet 7 called “Material Change in Circumstances”.

Can WSIB review your FEL award if you have a permanent worsening of your condition?

Yes. If you have a permanent deterioration in your condition, WSIB can review your benefits after the 60-month date:

- If you are **granted a non-economic loss (NEL) award**, WSIB can review your FEL award within 24 months of the date it is granted. If you are in a labour market re-entry (LMR) plan at the end of the 24 months, WSIB can wait and review your FEL award up to 30 days from the date you complete the plan.
- If you **receive an increase in a NEL award** you are already receiving, WSIB can review your FEL award within 24 months of the date it is changed. If you are in a labour market re-entry (LMR) plan at the end of the 24 months, WSIB can wait and review your FEL award up to 30 days from the date you complete the plan.
- If you suffer a significant deterioration in your condition and **WSIB decides you are likely to receive a NEL award or an increase in your existing NEL award**, WSIB can review your FEL award at any time from that point until you receive a NEL award or an increase in your existing NEL award or WSIB decides that you are not entitled to a NEL award or an increase in your existing NEL award.

See OWA Fact Sheets 13 and 12 respectively, called “Non-Economic Loss Awards” and “Labour Market Re-entry”.

Some of these exceptions may not apply to you if you suffered a permanent deterioration before July 1, 2007. You should speak to a qualified representative for advice on your specific circumstances.

Can WSIB review your FEL award if you have a temporary worsening of your condition?

Yes. If you have a temporary deterioration in your condition, WSIB can review your benefits. WSIB can also review your benefits when it determines you have recovered.

WSIB cannot review your FEL award if you recovered from your temporary deterioration before July 1, 2007. If your deterioration began before July 1, 2007, WSIB can only review your benefits starting on that date.

What if you have not finished your LMR plan 60 months after the date of your initial FEL entitlement?

If you have been granted a labour market re-entry (LMR) plan and the plan has not been completed 60 months after your initial FEL determination date, WSIB can review your FEL award within 30 days of the date you complete the plan. See OWA Fact Sheet 12 called “Labour Market Re-entry”.

This exception does not apply to you if you completed your LMR plan before November 26, 2002.

Can you appeal the final review of your FEL award?

Yes. You can object to any decision that affects your FEL award. Generally, you must object within **six months** of the date of the decision. However, if your FEL award is affected because of a decision about your early and safe return to work or labour market re-entry, you must object within **30 days** of the date of the decision. If you are unsure which time limit applies, speak to a qualified representative immediately.

IMPORTANT INFORMATION

There are time limits for appealing WSIB decisions. If you wish to appeal a decision, contact a qualified representative as soon as possible. For more information on time limits, see OWA Fact Sheets 24 and 25 called “Appealing to WSIB” and “Appealing to WSIAT”.

This Fact Sheet contains general information only. It is not a legal document. To see what the law says, you should look at the Workplace Safety and Insurance Act and WSIB policies. If you require help and do not have a union to assist you, contact the Office of the Worker Adviser:

- Our toll free telephone number is 1-800-435-8980 (English) or 1-800-661-6365 (French)
- or visit our website at: <http://www.owa.gov.on.ca>

Cette feuille-info est aussi disponible en français

