

May 15, 2019

Mr. Gerald Miller
gkmiller@telusplanet.net

Re: Authorized Representation and Burden of Proof

Dear Mr. Miller:

Thank you for your email of April 9, 2019 responding to my April 8, 2019 letter.

Your email identifies two discrete issues, as noted below.

Authorized Representative

The Fairness Review Branch requires an *Informal Representative Consent Form* (FPG001) to be completed by a complainant and submitted to our office before we can discuss a given complainant's case with the named representative.

Without the authorization form, the Fairness Review Branch is unable to discuss a complainant's fairness review or confirm if the Fairness Review Branch has an open fairness review.

Burden of Proof

In your April 9 email, as in previous correspondence, you ask the Fair Practices Office to answer the question about whether the burden of proof lies with the Workers' Compensation Board (WCB) or the injured worker.

The Fair Practices Office, including the Fairness Review Branch, does not provide legal advice.

The determination of the burden of proof is a function of the legislature and the courts. It is therefore unnecessary for the Fair Practices Office to take on this same function.

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