

The 1986-1990 Hepatitis C Claims Centre
P.O. Box 2370, Station D
Ottawa Ontario, Canada
K1P 5W5
Tel: 1-877-434-0944

Request for Review by Arbitrator /Referee
Strictly Private and Confidential

Claim Number

If you wish to have the Administrator's decision reviewed by an Arbitrator/Referee, you must forward this REQUEST FOR REVIEW to the Administrator within 30 days from the date that you received the Administrator's letter of decision.

SECTION A - HCV INFECTED PERSON

First Name		Middle Name/Initial		Last Name	
Home Address		City	Province/Territory		Postal Code
Date of Birth (DD/MM/YYYY)		Provincial/Territorial Health Number		Province/Territory of Health Plan	
/ /		- -			

SECTION B: CLAIMANT INFORMATION (*Please check the appropriate box*)

1.	<p>Claimant is: (<i>Please check the appropriate box</i>)</p> <p><input type="checkbox"/> Primarily-Infected Person</p> <p><input type="checkbox"/> Secondarily-Infected Person</p> <p><input type="checkbox"/> Approved HCV Personal Representative of HCV Infected Person</p> <p><input type="checkbox"/> Approved Dependant of HCV Infected Person</p> <p><input type="checkbox"/> Approved Family Member of HCV Infected Person</p>	<p><input type="checkbox"/> HCV Transfused Plan <u>or</u></p> <p><input type="checkbox"/> HCV Hemophiliac Plan</p>
2.	<p>You are requesting that the Arbitrator / Referee review the Administrator's decision about:</p> <p><input type="checkbox"/> Denial of Claim <input type="checkbox"/> Uninsured Treatment and Medication</p> <p><input type="checkbox"/> Fixed Payments <input type="checkbox"/> Costs of Care <input type="checkbox"/> Loss of Support</p> <p><input type="checkbox"/> HCV Drug Therapy <input type="checkbox"/> Loss of Income <input type="checkbox"/> Death Benefits Allocation</p> <p><input type="checkbox"/> Out-of-Pocket Expenses <input type="checkbox"/> Loss of Services</p>	

SECTION B: REVIEW OF ADMINISTRATOR'S DECISION

3. I wish to have the Administrator's decision reviewed by,

Referee or

Arbitrator

(Choose one of the above by checking one box)

4. I wish to review the Administrator's decision for the following reasons:

(Continue on separate sheet of paper if needed)

5. The Administrator shall be responsible for preparing the Claimant's file for consideration on this review. As a result, please check one of the following options:

YES I have provided all necessary documents upon which I rely for my claim to the Administrator and do not intend to file any further documents with the Administrator.

YES I have the following additional documents which the Arbitrator/ Referee should consider in support of my appeal.

(i) _____

(ii) _____

(iii) _____

(iv) _____

(Attach additional list, as required)

6. YES I wish to have the following person(s) testify in person before the Arbitrator/Referee:

(i) _____
(Print Name)

(Occupation)

(Address)

(Telephone No.)

SECTION B: REVIEW OF ADMINISTRATOR'S DECISION cont.

6. I wish to have the following person(s) testify in person before the Arbitrator/Referee:
YES

(ii) _____
(Print Name)

(Occupation)

(Address)

(Telephone No.)

(iii) _____
(Print Name)

(Occupation)

(Address)

(Telephone No.)

(iv) _____
(Print Name)

(Occupation)

(Address)

(Telephone No.)

(Attach additional list, as required).

7. There will be an in-person hearing if you and/or Fund Counsel intend to present oral evidence (testimony). Where no oral evidence is required, it is within the sole discretion of the arbitrator/referee as to whether an in-person hearing is required. If you believe an in-person hearing is required, please state the reason below.

(Continue on separate sheet of paper if needed)

Date Signed

Signature of Claimant

INSTRUCTIONS FOR FILING A REQUEST FOR REVIEW (Appeal)

In the event that a Claim is **rejected** or a Claim is **accepted** but the claimant disagrees with some part of the Administrator's decision, **a claimant may appeal** the Administrator's decision by completing the enclosed **Request for Review Form**.

Claimants must **complete and return** the Request for Review Form to the Administrator within **30 days** after receipt of the Administrator's letter of decision.

A claimant may have the Administrator's decision reviewed by either an **Arbitrator** or a **Referee**.

If a claimant elects to go to Arbitration, the Arbitrator's decision is **final**.

If a claimant elects to go to a **Reference**, the **Court** responsible for the Class Proceedings **may review** the decision of the Referee but **only if the disputed amount is more than \$10,000**.

When a request for review is filed, the Administrator will provide a copy of the "Claim" to the claimant, Fund Counsel (a lawyer appointed by the Courts to defend decisions made by the Administrator) and the Arbitrator/Referee appointed to hear appeals in the province where the claimant resides or is deemed to reside. The Claim will include copies of:

- The Request for Review form,
- All documentation that the claimant submitted along with all other evidence about the Claim in the possession of the Administrator.
- A copy of the Administrator's decision.
- Other information or material as the Arbitrator/Referee may request.

Claimants may **act in person or through a representative**. The representative must notify the Administrator and Arbitrator/Referee in writing providing the written consent of the claimant.

Upon receipt of a copy of the Claim, the claimant has **15 days** to provide any **additional written** submissions/information to the Arbitrator/Referee and the Administrator.

Fund Counsel has **15 days** after receipt of the claimant's submissions, to provide submissions.

If an **in-person hearing** is required by the claimant or Fund Counsel because oral evidence (testimony) is intended or if an in-person hearing is directed by the Arbitrator/Referee in accordance with the Rules for Arbitration/Reference (which are enclosed), the Arbitrator/Referee shall notify the claimant, Fund Counsel and the Administrator of the time and location of the hearing and provide such instructions as are necessary for the hearing of the Arbitration/Reference and the calling of evidence, if required.

Upon receipt of the claimant's Claim and all supplementary submissions or after any in-person hearing, the Arbitrator/Referee shall **communicate his/her decision in writing within 30 days**.

The Arbitrator/Referee's decision will not identify the claimant by name or location.

Rules for Arbitration / Reference

Rules to the Contrary

1. These rules are rules to the contrary and supercede the applicable rules of Arbitration or Reference in the province or territory where the Arbitration or Reference is being conducted.

Arbitrator/Referee

2. A Reference or Arbitration will be heard by one Arbitrator or Referee appointed from the roster of Arbitrators and Referees, as established by the Court having jurisdiction in the Class Action in which the claimant is a Class Member.

Nature of Review

3. An Arbitration or Reference shall be a review of the Administrator's decision utilizing the simplest, least expensive and most expeditious procedure for the Arbitration or Reference.
4. In meeting this objective, the Arbitrator/Referee may conduct the Arbitration or Reference in whatever manner he or she considers appropriate, provided that the parties are treated with equality and each party is given a fair opportunity to present his, her or its case.

Representation

5. The Claimant may act in person on an Arbitration/Reference or through a representative; in which case, the representative shall notify the Administrator and Arbitrator/Referee in writing providing the written consent of the Claimant.

Commencement

6. In order to commence an Arbitration or Reference, the Claimant shall file a Request for Review by an Arbitrator/Referee in the prescribed form.
7. The Administrator shall forward to a Referee or Arbitrator, as the case may be, in the Province or Territory where the claimant resides or is deemed to reside, to the Claimant and to the Fund Counsel the following:
 - (a) a copy of the Claim and the Request for Review by an Arbitrator/Referee;
 - (b) a copy of all the written submissions and material in support of the submissions and other evidence pertaining to the Claim in the possession of the Administrator;
 - (c) a copy of the Administrator's decision; and

- (d) such other information or material as the Referee, Arbitrator or Fund Counsel may request.
- 8. The Administrator shall forward the Claimant's file to the Claimant, Fund Counsel and the Chair and/or Vice-Chair of the Roster of Arbitrators/Referees within ten (10) days of receipt of the Request for Review by an Arbitrator/Referee.
- 9. The Claimant shall have fifteen (15) days upon receipt of the Claimant's file to forward any supplementary submissions to the Chair and/or Vice-Chair of the Roster of Arbitrators/Referees and Administrator.
- 10. The Fund Counsel shall have fifteen (15) days from the date of the Administrator's receipt of the Claimant's submissions to forward any submissions in reply to the Chair and/or Vice-Chair of the Roster of Arbitrators/Referees and Administrator.
- 11. The Chair and/or Vice-Chair of the Roster of Arbitrators/Referees shall appoint an Arbitrator or Referee to take carriage of the matter.

Mediations

- 12. The Arbitrator has jurisdiction to request that the parties enter into mediation. The Referee has discretion to attempt to mediate the dispute at any time in the process.

Mode of Hearing

- 13. Within five (5) days of the receipt of the Request for Review by an Arbitrator/Referee, any supplementary submissions by the Claimant and the Claimant's file from the Administrator or reply submissions from Fund Counsel, the Arbitrator/Referee shall verify with the parties if:
 - (a) an oral hearing is necessary; or
 - (b) further written submissions are necessary.
- 14. Notwithstanding the Arbitrator/Referee's discretion in paragraph 13, an oral hearing will be required where the Claimant or Fund Counsel wishes to adduce oral evidence.
- 15. If no further written submissions are provided and no oral hearing is required, the Arbitrator/Referee shall notify the parties that he/she will proceed on the basis of the Request for Review by an Arbitrator/Referee, the Claimant's file, the Claimant's supplementary submissions, if any, and any reply submissions.
- 16. Within thirty (30) days following notification by the parties that no further written submissions or oral hearings will be necessary, the Arbitrator/Referee shall release his/her Reasons for Decision.

Further Written Submissions

17. If further written submissions are required, the Arbitrator/Referee shall notify the Claimant and Fund Counsel of the issues to be addressed in the written submissions and the time limits for the receipt of such submissions, including any submissions in reply.
18. Within thirty (30) days following the receipt of the final submissions, the Arbitrator/Referee shall release his/her Reasons for Decision.

Oral Hearing

19. If an oral hearing is requested by one or more of the parties because the requesting party wishes to adduce oral evidence, the Arbitrator/Referee shall:
 - (a) determine the time, date and location of the hearing and give all parties fifteen (15) days prior written notice of such time, date and location;
 - (b) give directions as to the issues to be addressed at the oral hearing;
 - (c) if necessary, give directions as to the issues which require oral evidence; and
 - (d) provide any other directions, as the Arbitrator/Referee deems appropriate.
20. If an oral hearing with evidence is requested by one or more of the parties because the requesting party wishes to lead oral evidence, the Arbitrator/Referee orders an oral hearing with evidence, the following rules will apply, unless the Arbitrator/Referee makes an order to the contrary:
 - (a) any documentation, including medical records, medical reports and/or loss of income documentation, intended to be relied upon by the Claimant shall be produced to the Administrator and Arbitrator/Referee at least fifteen (15) days prior to the Arbitration or Reference;
 - (b) the Arbitrator/Referee, upon his/her own Notice or upon written request by the Administrator, has the jurisdiction to order an independent medical examination of the Claimant;
 - (c) subject to issues of privilege, an Arbitrator/Referee may accept all oral or written evidence as the Arbitrator/Referee, in his or her discretion, considers proper, whether admissible in a Court of law or not; and
 - (d) if an oral hearing with evidence is required, the Arbitrator/Referee may require production of documents and examination for discovery, if necessary.
21. Within thirty (30) days following the completion of the oral hearing, the Arbitrator/Referee shall release his/her Reasons for Decision.

Process Confidential

22. The Arbitration/Reference process is private and all information and evidence utilized in the Arbitration/Reference process is confidential.

Reasons for Decision

23. Any Reasons for Decisions by an Arbitrator/Referee shall state the facts and conclusions without identifying the Claimant by name or location. The Arbitrators and Referees may rely upon earlier decisions of other Arbitrators or Referees to arrive at their Reasons for Decisions.
24. The Arbitrator/Referee may extend the time for the release of the Reasons for Decision if he/she considers such an extension is justified.