

# **Income and Employment Support Appeal Board**

**Annual Report 2021-22**



## Chairperson's Message

---

Hon. John Abbott  
Minister  
Department of Children, Seniors and Social Development  
P.O. Box 8700  
St. John's, NL  
A1B 4J6

Dear Minister Abbott:

I am pleased to submit the Income and Employment Support Appeal Board Annual Report for 2021-22. This Annual Report has been prepared in compliance with the **Transparency and Accountability Act**. The Board has been identified as a Category Three Provincial Government entity. This report reflects the activity for the second year of the 2020-23 Activity Plan.

The Board is primarily governed by the **Income and Employment Support Act**, and hears appeals and renders decisions on behalf of any person affected by a finding or decision of an Internal Review, respecting income or employment support. Where appropriate, a finding or decision of an Internal Review dealing with the **Health and Community Services Act** or the **Pharmaceutical Services Act** may also be reviewed by the Board.

The Board is pleased to report the performance indicators for the recurring objective during the second year of the Activity Plan. This report covers the period April 1, 2021 to March 31, 2022. My signature below is on behalf of the Board and is indicative of the Board's accountability for the actual results reported.

Respectfully submitted,



Joseph Greene  
Chairperson



# Table of Contents

---

**Overview ..... 1**

**Vision ..... 4**

**Mandate..... 4**

**Lines of Business..... 5**

**Report on Performance ..... 6**

**Opportunities and Challenges ..... 8**

**Appendix..... 9**

    Table 1: Appeals Five-Year Totals: 2017-18 to 2021-22..... 9

    Table 2: Appeals by Region: 2021-22..... 9

    Table 3: Result of Appeals: 2021-21..... 10

    Table 4: Appeal Board Budget and Expenditures: 2021-22 ..... 10



## Overview

The **Income and Employment Support Act** authorizes the Lieutenant-Governor in Council to appoint an appeal board. The Income and Employment Support Appeal Board (the Board) is an independent, arms-length body authorized to hear appeals on decisions regarding Income Support, as well as eligibility for Employment Supports including disability-related employment supports funded by the Provincial Government. The Board also hears appeals with respect to coverage under the Newfoundland and Labrador Prescription Drug Program, under section 40 of the **Pharmaceutical Services Act**. The Board is primarily governed by the **Income and Employment Support Act**.

The Board is comprised of a Chair, Vice-chair and a Member, one of whom is a current or former recipient of income or employment support. Three Alternate Members are also appointed, one of whom is also a current or former recipient of income or employment support. Alternate members are “on-call” to be readily available to serve as a member, in the absence of the voting member. Only the Vice Chair can fulfil the role of the Chair in his/her absence. Each member is appointed for three years by the Lieutenant-Governor in Council and is eligible for re-appointment.

As of March 31, 2022, the members of the Income and Employment Support Appeal Board for 2021-22 were:

- Joseph Greene, Chair, Eastern Region
- Sam Synard, Vice-Chair, Eastern Region
- Andrew Tobin, Member, Western Region
- Bernice Pritchett, Alternate Member, Western Region
- Allan Reid, Alternate Member, Eastern Region
- Michelle Wall, Alternate Member, Eastern Region

Members from the general public are appointed through the Independent Appointments Commission’s merit-based process.

Board members receive remuneration in accordance with Provincial Government and Treasury Board guidelines and policies. The remuneration, travel expenses and costs associated with the work of the Board are included in the budget of the Department of Children, Seniors and Social Development (CSSD), under General Administration. Costs associated with the Appeal Board for 2021-22 were \$57,865 compared to \$60,531 in 2020-21. Due to continued COVID-19 public health restrictions, the Board only met in-person on one occasion out of the nine scheduled meetings for 2021-22. This resulted in reduced travel costs for a second year. All other meetings took place via teleconference. Full budget details can be found in Table 4 in the Appendix.

The first formal level of appeal for an Income Support client or a provincially-funded Employment Support client is a request for an Internal Review. These reviews are completed by employees of CSSD and are outside the mandate of the Board. During 2021-22, the department received a total of 311 applications for Internal Review. During the Internal Review process, 65 of these cases were formally resolved, six were overturned, 40 were not heard (the appellant withdrew or the request was submitted outside the 60 day timeframe), and 200 cases were upheld (160 of these cases chose not to proceed further for an appeal).

The second formal level of appeal is a request for an appeal hearing with the Board. The remaining 40 cases came forward in 2021-22 for a formal appeal. There were 30 appeal hearings throughout this fiscal year (see Tables 2 and 3 in the Appendix for the breakdown of these appeals by region, type of appeal and outcome). The Executive Secretary also coordinated work for the other 10 appeals; however, these appeals were either cancelled, did not meet the 60 day timeframe, or the appellant chose not to proceed. Appellants cancel their appeals for different reasons, including changes to appellants' circumstances or acceptance of the department's decision by the appellant. The number of applications received in 2021-22 decreased slightly from the 43 applications that came forward in 2020-21.



Board hearings are typically scheduled every three to four weeks with board members meeting in-person, and the appellants joining via teleconference (an in-person appeal may be possible upon request by the appellant). In 2021-22, the average waiting period for a hearing was 18-20 business days.

There were no applications for appeal with respect to eligibility for benefits under the Newfoundland and Labrador Prescription Drug Program during 2021-22.

## Vision

The residents of Newfoundland and Labrador are treated in a fair and timely manner to ensure the maximum entitlement allowable under the applicable legislation.

## Mandate

The Income and Employment Support Appeal Board hears appeals and makes decisions on behalf of a person who is dissatisfied with the outcome of an Internal Review of a decision relating to the **Income and Employment Support Act**. Where appropriate, appeals are also heard relating to the **Health and Community Services Act** or **Pharmaceutical Services Act**.

## Lines of Business

The Board administers one line of business, which is to deliver an appeal as outlined below:

### **Appeal Board Process**

Those who are dissatisfied with the Internal Review outcome (the first level of an appeal) may proceed to the second formal level of appeal, which is requesting an appeal hearing with the Board. Applicants must submit an Application for Appeal in writing to the Board within 60 days from the date of the Internal Review decision letter. Appeals must be heard within 30 days of receipt of the appellant's application and are generally conducted via teleconference. Board hearings are typically scheduled every three to four weeks with board members meeting in-person, and the appellant's joining via teleconference (an in-person appeal may be possible upon request by the appellant).

A description of the appeal process can be reviewed on the following webpage: <https://www.gov.nl.ca/cssd/the-appeal-process/>.

## Report on Performance

The Income and Employment Support Appeal Board Activity Plan 2020-23 identified the below objective to assist both the Board and the public in monitoring and evaluating success of the Activity Plan. Throughout the past year, the Board ensured the efficient and timely administration of the provincial income and employment support appeal process. The Board was successful in meeting all of its performance objectives during the second year of the Activity Plan.

**Objective:** By March 31, 2022, the Board will have continued to demonstrate ongoing adherence to legislative timeframes pertaining to the appeal process.

**Indicator 1:** One hundred per cent of hearings are scheduled within thirty days of receiving an application.

**Results:** All 30 applications that were accepted for appeal were scheduled for a hearing within a thirty day period.

**Indicator 2:** One hundred per cent of notifications are communicated to the appellant and relevant parties at least seven days prior to a hearing.

**Results:** All 30 appellants and relevant parties were contacted via telephone to confirm dates and times of hearings in advance of receiving their written notification seven days prior to the hearing.

**Indicator 3:** One hundred per cent of decisions are communicated to the relevant parties within five days of the conclusion of the hearing.

**Results:** All 30 decisions were communicated to relevant parties within five business days of the Board's decision.

The 2021-22 annual report marks the second year of the planning cycle for the Activity Plan 2020-23. The Board accepted 40 applications, 30 of which resulted in an appeal hearing. All hearings were scheduled within 30 days of receiving their application. All 30 appellants, and relevant parties, received notification of the hearing at least seven days prior to the hearing. All 30 decisions were communicated to relevant parties within five business days of the Board's decision. During this period, the Board met its objective of ongoing adherence to appeal process timeframes.

## Opportunities and Challenges

The COVID-19 public health emergency, which resulted in public health restrictions starting in March 2020, were still in effect during the 2021-22 fiscal year. The Board had adjusted its operations in March 2020 to hold appeals and meetings via teleconference, while adhering to public health guidelines and ensuring the continuation of appeal hearings.

In February 2022, the Board members were granted approval to resume with in-person meetings once public health restrictions were lifted. Appellants continued to join via teleconference, as this had been normal practice previous to the pandemic.

In 2022-23, the Board will take the same approach with its operations and does not foresee any disruption in service.

## Appendix

The following tables provide a comparison of Appeal Board hearing statistics by fiscal year, region (Eastern and Western) and type of appeal, as well as an overview of the Appeal Board’s budget and expenditures.

### Appeals Five-Year Totals: 2017-18 to 2021-22

Table 1: Appeals Heard	
2017-18	62
2018-19	49
2019-20	49
2020-21	31
2021-22	30

### Appeals by Region: 2021-22

Table 2: Appeals Heard by Region 2021-22				
Region	Upheld	Overtured	Total	% Upheld
Eastern	15	1	16	94%
Western	13	1	14	93%
<b>TOTAL</b>	<b>28</b>	<b>2</b>	<b>30</b>	<b>93%</b>

**Result of Appeals: 2021-22**

<b>Table 3: Result of Appeals 2021-22</b>					
<b>Type of Appeal</b>	<b>Eastern</b>		<b>Western</b>		<b>Total</b>
	<b>Upheld</b>	<b>Overtured</b>	<b>Upheld</b>	<b>Overtured</b>	
Income Support Rates	-	-	1	-	1
Non-eligibility	4	-	2	1	7
Eligibility Date	-	-	1	-	1
Suspension	4	1	2	-	7
Overpayment	7	-	5	-	12
Hearing Aids	-	-	2	-	2
<b>TOTAL</b>	<b>15</b>	<b>1</b>	<b>13</b>	<b>1</b>	<b>30</b>

**Appeal Board Budget and Expenditures: 2021-22**

<b>Table 4: Budget and Expenditures 2021-22</b>		
<b>Category</b>	<b>Budget</b>	<b>Expenditures</b>
Salaries (Executive Secretary)*	\$45,300**	\$44,418
Transportation and Communications	\$16,800	\$2,485
Professional Services	\$25,200	\$10,925
Purchased Services	\$1,000	\$37
Supplies	\$300	\$0
<b>Total</b>	<b>\$88,600</b>	<b>\$57,865</b>

\*The Board is supported by an Executive Secretary position that was funded through the Department of Immigration, Population Growth and Skills and the Department of CSSD.

\*\*This amount reflects CSSD's budget amount for the salary of this position.