

Income and Employment Support Appeal Board

Annual Report 2022-23

Chairperson's Message

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

Dear Minister Pike:

I am pleased to submit the Income and Employment Support Appeal Board Annual Report for 2022-23, which covers the period of April 1, 2022 to March 31, 2023. The Board has been identified as a Category 3 Provincial Government entity and has prepared this annual activity report in accordance with the requirements under the **Transparency and Accountability Act**. This report reflects the activity for the third 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.

My signature below is on behalf of the Board and is indicative of the Board's accountability for the actual results reported.

Respectfully submitted,



Sam Synard
Chairperson

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Overview

The **Income and Employment Support Act** (the 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 funded by the Provincial Government. The Board is primarily governed by the Act; however, it is also responsible, where appropriate, for appeals relating to the **Health and Community Services Act** or **Pharmaceutical Services Act**.

The Board is comprised of a Chair, Vice-Chair and a Member, one of whom must be a current or former recipient of income or employment support. Three alternate members are also appointed, one of whom must also be a current or former recipient of income or employment support. Each member is appointed for a three-year term by the Lieutenant-Governor in Council and is eligible for re-appointment.

As of March 31, 2023, the members of the Income and Employment Support Appeal Board¹ were:

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

Members are appointed from the general public through the merit-based process for agencies, boards and commissions' appointments through the Public Service Commission.

¹ A new Board was appointed on June 1, 2023. Mr. Sam Synard is the new Chair.

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 2022-23 were \$94,595 (see Table 1 for more details).

Table 1: Appeal Board Budget and Expenditures – 2022-23

Budget and Expenditures 2022-23		
Category	Budget	Expenditures
Salaries	\$58,400	\$58,350
Transportation and Communications	\$17,800	\$16,747
Professional Services	\$26,200	\$19,365
Purchased Services	\$600	\$133
Supplies	\$400	\$0
Total	\$103,400	\$94,595

The Board has an Executive Secretary who is an employee of the Department of Children, Seniors and Social Development. This position provides program and administrative support to the chairperson and members, to enable the Board to deal promptly and effectively with all appeals. The Executive Secretary has no voting privileges.

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 2022-23, the department received a total of 408 applications for Internal Review. During the Internal Review process, 55 of these cases were formally resolved, 16 were overturned, 91 were not heard (the appellant withdrew or the request was submitted outside the 60 day timeframe), and 246 cases were upheld (194 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. Fifty-two cases came forward in 2022-23 for a formal appeal. There were 39 appeal hearings throughout this fiscal year (see Table 2 below for a breakdown of these appeals by region and outcome). The Executive Secretary also coordinated work for the other 13 appeals; however, these appeals were either resolved, cancelled, or clients chose not to proceed. Appellants cancel their appeals for various reasons, including changes to appellants' circumstances or acceptance of the department's decision by the appellant. The number of applications received in 2022-23 increased by 30 per cent from the 40 applications that came forward in 2021-22.

Table 2: Appeals Heard by Region – 2022-23

Appeals Heard by Region 2022-23					
Region	Upheld	Overtured	Other*	Total	% Upheld
Eastern	22	2	-	24	92%
Western	12	2	1	15	80%
TOTAL	34	4	1	39	87%

*refers to appellants who were given partial approval for their appeal

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 2022-23, 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 2022-23.

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.

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 third year of the Activity Plan.

Objective: By March 31, 2023, 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: In 2022-23, all 39 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: In 2022-23, all 39 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: In 2022-23, all 39 decisions were communicated to relevant parties within five business days of the Board's decision.

The 2022-23 Annual Report marks the third year of the planning cycle for the Activity Plan 2020-23. The Board accepted 52 applications, 39 of which resulted in an appeal hearing. All hearings were scheduled within 30 days of receiving the application. All 39 appellants, and relevant parties, received notification of the hearing at least seven days prior to the hearing. All 39 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

When COVID-19 public health restrictions were lifted in 2022, Board members resumed in-person meetings while the appellants joined via teleconference, as this had been normal practice previous to the pandemic in 2020. Two out of 12 appeal hearing meetings were held via teleconference by the Board members and the appellant. This resulted in travel cost savings, however, it did not have any impact on operations.

In 2023-24, the Board will seek to reduce the number of in-person meetings for board members, if possible and practical to do so, as this has proven not to impact service delivery, but provide cost savings.