

***Income and Employment Support
Appeal Board***

***Activity Report
2007-2008***

Chairperson's Message

June 12, 2008

Honourable Shawn Skinner
Minister
Department of Human Resources
Labour and Employment
P. O. Box 8700
St. John's, NL
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Dear Minister Skinner:

I am pleased to submit the Income and Employment Support Appeal Board Activity Report for 2007-2008.

The Board's mandate is to hear appeals and render decisions on behalf of any person affected by a finding or decision of an internal review respecting income or employment support and where appropriate, the *Health and Community Services Act* or the *Pharmaceutical Services Act* (see Appendix A for more information).

In the development of this plan, careful consideration was given to the Strategic Directions of government as communicated by the Minister of Human Resources, Labour and Employment. While the Board supports the spirit and the overall intent of the strategic directions, other entities reporting to the minister will specifically address these directions.

This report covers the period April 1, 2007 to March 31, 2008. My signature below is on behalf of the Board and is indicative of the Board's accountability for the actual results reported herein.

Respectfully submitted,



Cynthia Downey
Chairperson

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INCOME AND EMPLOYMENT SUPPORT APPEAL BOARD

The Department of Human Resources, Labour and Employment has an Appeal Process to ensure that all persons who receive or request Income Support and Career and Employment Support receive fair treatment from the Department. The Income and Employment Support Appeal Board is an external body that reviews individual cases, upon request, and decisions are made in accordance with the *Income and Employment Support Act and Regulations*.

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, arm's-length body authorized to hear appeals of decisions regarding Income Support, eligibility for employment supports, and funding through the *Labour Market Agreement for Persons with Disabilities* and coverage under the *Low Income Drug Program*. The Board is governed by the *Income and Employment Support Act*.

The *Pharmaceutical Services Act (Act)*, proclaimed January 30, 2007, provides for an appeal process resulting from decisions respecting eligibility for or cancellation of benefits available under the Newfoundland and Labrador Prescription Drug Program, Low Income Drug Program. Section 41. (1) of the *Act* authorizes the Appeal Board to hear appeals resulting from decisions concerning coverage under the Low Income Drug Program as outlined in the *Act*.

The Appeal Board is comprised of a chair, vice-chair, and member, one of whom is a current or former recipient of income and/or employment support. Two alternate members are appointed and are available to act in the absence of one of the aforementioned. One of the alternate members is a current or former recipient of income and/or employment support. Each member shall be appointed for a three year term by the Lieutenant-Governor in Council and is eligible for reappointment.

The members of the Income and Employment Support Appeal Board for 2007-08:

Ms. Cynthia Downey, Chairperson
Ms. Regina Brinston, Vice-Chairperson
Mr. Andrew Tobin, Member
Ms. Carmel Osborne, Alternate Member
Ms. Augusta Whelan, Alternate Member

The Board members are appointed from the general public and receive remuneration in accordance with Level II of the *Treasury Board Guidelines for Rate of Remuneration for Boards, Commissions, & Agencies*. The remuneration, travel expenses and costs associated with the work of the Board are included in the Departmental budget under the General Administration activity. Costs associated with Appeal Board hearings for 2007-08 were approximately \$54,000 (2006-07 - \$62,000).

The Board has an Executive Secretary who is an employee of the Department of Human Resources, Labour and Employment. The salary for this position is included in the department's budget. The Executive Secretary does not have voting privileges. The incumbent provides administrative support to the Chairperson and members, to enable the Board to deal promptly and effectively with all appeals.

Appeal Board hearings are typically scheduled every two weeks and are generally conducted by teleconference. In 2007-08, the average waiting period for a hearing was 18 calendar days.

During 2007-08, the Appeal Board received 89 applications which resulted in 78 hearings, down from 88 hearings in 2006-07.

The Low Income Drug Program was introduced January 31, 2007 and did not result in appeal applications to the Appeal Board during the 2007-08 year.

Appeal Process

The appeal process as authorized by the *Income and Employment Support Act* includes three levels of review:

District Office -The client may request the supervisor or district manager to review the decision of an officer of the department.

Internal Review -If the decision is upheld by the supervisor or district manager, the client may submit an Application for Review to the Regional Office within 60 days. The internal review is the first formal level of appeal. It consists of an examination of the written documentation, and may include direct contact by telephone to the client. The internal review is normally conducted by the Regional Enquiries Coordinators, who are departmental employees but have not been involved in the decision-making in question.

Income and Employment Support Appeal Board - If the internal review upholds the decision of the district office, the client may submit an Application for Appeal to the Appeal Board within 60 days of receiving the internal review decision. The hearing will be scheduled within 30 days of receiving an application for appeal, and the decision of the Appeal Board will be communicated in writing to the appellant within 5 days.

Clients who are not satisfied with the Appeal Board's decision have the option of appealing to the Supreme Court of Newfoundland and Labrador, Trial Division, within 30 days of receiving the decision.

Vision

Residents of Newfoundland and Labrador are treated in a fair and timely manner when making appeals to the Appeal Board.

Mission

The Income and Employment Support Appeal Board will continue to ensure the efficient and timely administration of the provincial Income and Employment Support Appeal Board process.

Activities

The Appeal Board was successful in meeting all its performance objectives in 2007-08. The Board continues to ensure the efficient and timely administration of the provincial Income and Employment Support Appeal process.

Issue 1 **Scheduling of appeal hearings**

Objective 1: By March 31, 2008, the Board will have scheduled hearings of appeal applicants within thirty days of receiving the application for appeal.

Measure: 100% of appeal hearings were scheduled within thirty days of application.

Indicators: The number of applications for appeal received compared to the number of hearings scheduled in a thirty day period.

Result: Eighty-nine valid appeal applications were received resulting in 89 scheduled hearings within the thirty day period of receiving the application.

Issue 2 Information pertaining to the scheduling of the appeal hearing

Objective 2: By March 31, 2008 the Board will have communicated notice to appellant and relevant parties at least seven days prior to hearing.

Measure: 100% of appellants and relevant parties to the appeal receive notice at least 7 days prior to the hearing.

Indicators: The number of notifications provided to all parties within seven days prior to hearing compared to the number of hearings scheduled.

Result: Of the 89 hearings scheduled, 89 notifications were communicated to relevant parties seven days prior to the hearing date. However due to postponements, cancellations and early resolution, 78 hearings were actually held.

Issue 3 Written communications of appeal hearing decisions

Objective 3: By March 31, 2008 the Board will have communicated in writing all appeal decisions to the appropriate parties within five days of the conclusion of the hearing.

Measure: 100% of written decisions of the Board are communicated within five days of the hearing.

Indicators: The number of decisions communicated within five days to the relevant parties compared to the number of hearings conducted.

Result: Of the 78 hearings conducted, all 78 written decisions were communicated to relevant parties within five days of the conclusion of the hearing.

Appendix

The three tables below provide a comparison of Appeal Board Hearing statistics by fiscal year, region and reason for appeal.

Appeals Heard 2002-2008

APPEALS HEARD	
2002-2003	241
2003-2004	183
2004-2005	156
2005-2006	142
2006-2007	88
2007-2008	78

Appeals by Region 2007-2008

APPEALS HEARD APRIL 1, 2007-MARCH 31, 2008				
Region	Upheld	Overtured	Total	% Upheld
AVALON	41	4	45	91%
CENTRAL	12	0	12	100%
WESTERN	17	1	18	94%
LABRADOR	3	0	3	100%
TOTAL	73	5	78	94%

Reason for Appeals									
Reason for Appeal	Avalon		Central		Western		Labrador		Total
	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	
Income Support Entitlement	6		1		2	1	1		11
Non-eligibility	5		1		3				9
Suspension	3		1		6		1		11
Overpayment	12	1	2						15
Furniture Items	2	2	2		3				9
LMAPD Funding	1								1
Special Needs	5	1	3		1		1		11
Health Related	7		2		2				11
Low Income Drug Program									0
Total	41	4	12	0	17	1	3	0	78