



Income and
Employment Support
Appeal Board

Activity Report

2010-11

Chairperson's Message

November 1, 2011

Honourable Joan Burke
Minister
Department of Advanced Education and Skills
P. O. Box 8700
St. John's, NL
A1B 4J6

Dear Minister Burke:

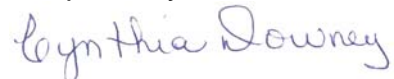
I am pleased to submit the Income and Employment Support Appeal Board Activity Report for 2010-2011.

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. Where appropriate, findings or decisions dealing with the *Health and Community Services Act* or the *Pharmaceutical Services Act* may also be reviewed by the Board.

In the development of this report, careful consideration was given to the strategic directions of government as communicated in the departmental strategic plan. 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, 2010 to March 31, 2011. 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

TABLE OF CONTENTS

Overview 1

Lines of Business 2

Vision3

Mission.....3

Activities 4

Appendix 6

 Appeals Heard: 2005 -11 6

 Appeals by Region: 2010-11 6

 Appeals by Type: 2010-11..... 7

INCOME AND EMPLOYMENT SUPPORT APPEAL BOARD

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 Newfoundland and Labrador Prescription Drug Program. The Board is governed by the *Income and Employment Support Act*.

The *Pharmaceutical Services Act* (the 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. Section 41. (1) of the Act authorizes the Appeal Board to hear appeals resulting from decisions concerning coverage under the program as outlined in the Act.

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

The members of the Income and Employment Support Appeal Board for 2010-11:

Ms. Cynthia Downey, Chairperson
Ms. Augusta Whelan, Vice-Chairperson
Mr. Andrew Tobin, Member
Ms. Cindy Barrington, Alternate Member
Mr. George Tiller, 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 2010-11 were approximately \$44,200 compared to \$43,000 in 2009-10.

The Board has an Executive Secretary who is an employee of the Department of Human Resources, Labour and Employment and provides administrative support to the chairperson and members, to enable the Board to deal promptly and effectively with all appeals.

The salary for this position is included in the department's budget. The Executive Secretary has no voting privileges.

The first formal level of appeal is a request for an internal review. This review is conducted by Departmental staff in one of the relevant four Regional Offices throughout the province. During 2010-11 a total of 436 applications for review were received which resulted in 336 internal reviews. Of the remaining 100 applications, seven were rejected and 93 were resolved informally prior to the internal review.

The second formal level of appeal is a request for a hearing. The Appeal Board received 87 applications for appeal resulting in 48 hearings, as compared to 45 hearings in 2009-10.

Appeal Board hearings are typically scheduled for every three weeks and are generally conducted by teleconference. In 2010-11, the average waiting period for a hearing was 16 calendar days.

There were no applications for appeal with respect to decisions pertaining to the Newfoundland and Labrador Prescription Drug Program during 2010-11.

Lines of Business

The Board administers one line of business, which is to deliver the appeal board process. Those who are dissatisfied with the outcome of their request for reconsideration from the first level of appeal - an internal review - may then proceed to the second level - the Appeal Board. Applicants must submit an Application for Appeal in writing to the Board within 60 days of receiving a decision from the internal review.

When an application for appeal is received, the Board shall:

- Acknowledge the appeal;
- Notify the appellant of the right to appear and to be represented;
- Arrange a date for hearing the appeal within 30 days of receiving an application;
- Give at least seven days notice of date, time and place of the hearing to the appellant and all relevant officers of the department;
- Proceed with the hearing as scheduled, unless a postponement is requested by the appellant;
- On the conclusion of the hearing, the Board will discuss and decide the case;
- A decision of the Board is communicated, in writing, within five days of the conclusion of the hearing to the appellant and copies are sent to the relevant offices of the Department of Advanced Education and Skills.

An applicant or a recipient who is not satisfied with a ruling of the Board may appeal to the Trial Division of the Supreme Court of Newfoundland and Labrador.

Vision

Residents of Newfoundland and Labrador are treated in a fair and timely manner to ensure the maximum entitlement allowable under the Income and Employment Support Act and Regulations when making appeals to the Appeal Board.

Mission

The mission statement identifies the priority focus area of the Board over two planning cycles; the first cycle being for one fiscal year (2007-08) and the second cycle being for three fiscal years (2008-09, 2009-10, and 2010-11).

As a result, the 2010-11 activity report marks the end of the current Mission. The Mission recognized that providing an effective and efficient appeal process depended on consistently meeting legislative requirements with respect to the appeal hearing preparation and conduct of the appeal hearing process. The following reports on the Board's success in achieving their mission during the years 2007-08 to 2010-11:

Mission: By March 31, 2011 the Income and Employment Support Appeal Board will have continued to ensure the efficient and timely administration of the provincial Income and Employment Support Appeal Board process.

Measure: Continued administration of an efficient and timely appeal process.

Indicator: 100% of appeal hearings were scheduled within 30 days of receiving an application for appeal.

Result: During the last four years, all 242 applications accepted for appeal had a hearing scheduled within a 30 day period.

Indicator: 100% of applicants and officers of the department were given at least seven days notice of the date, time and place of the appeal hearing.

Result: During the last four years, all 242 appellants and relevant parties received notification at least seven days prior to the hearing.

Indicator: 100% of appeal hearing decisions were communicated to the appropriate parties within five days of the conclusion of an appeal hearing.

Result: During the past four years, all 242 decisions were communicated to relevant parties within five days of the conclusion of the hearings.

Activities

2010-11 marks the end of the three-year Activity Plan (2008-11) for the Income and Employment Support Appeal Board. The Activity Plan identified three key objectives which represented the focus of the Board and included performance measurement information (i.e., measures and indicators) to assist both the Board and the public in monitoring and evaluating progress in meeting the plan objectives.

The key priorities of the Board are:

- 1. Scheduling of appeals**
- 2. Notification of hearings**
- 3. Communication of decisions**

The Board was successful in meeting all its performance objectives during all three years of the activity plan thus ensuring the efficient and timely administration of the provincial Income and Employment Support Appeal Process.

Issue: The Board shall continue to demonstrate ongoing adherence to legislative time frames pertaining to the appeal process.

Objective 1: The Board will have scheduled a hearing within 30 days of receiving the application for appeal.

Measure: Hearings scheduled within 30 days of receiving an application.

Indicator: 100% of hearings scheduled within 30 days of receiving an application.

Result: Over the past three years, all 164 applications that were accepted for appeal had their hearing scheduled within a 30 day period, including 48 during 2010-11.

Objective 2: The Board will have communicated notice of hearing to appellant and relevant parties at least seven days prior to hearing.

Measure: Notice of hearing communicated to appellant and relevant parties.

Indicator: 100% of notifications communicated to appellant and relevant parties at least seven days prior to a hearing.

Result: Over the past three years, all 164 appellants and relevant parties received notification at least seven days prior to hearing, including 48 during 2010-11.

Objective 3: The Board will have communicated in writing all appeal decisions to the appropriate parties within five days of the conclusion of the hearing.

Measure: Decisions communicated to the appropriate parties within five days of the conclusion of the hearing.

Indicator: 100% of decisions communicated to the relevant parties within five days of the conclusion of the hearing.

Result: Over the past three years, all 164 decisions were communicated to relevant parties within five days of the conclusion of the hearing, including 48 during 2010-11.

The Board shall continue to maintain a service of excellence as it administers the appeal process to respond to the changing needs of the people of Newfoundland and Labrador.

Appendix

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

Appeals Heard: 2005-06 to 2010-11

APPEALS HEARD	
2005-06	142
2006-07	88
2007-08	78
2008-09	71
2009-10	45
2010-11	48

Appeals by Region: 2010-11

APPEALS HEARD APRIL 1, 2010 - MARCH 31, 2011				
Region	Upheld	Overtured	Total	% Upheld
AVALON	24	3	27	89%
CENTRAL	6	0	6	100%
WESTERN	10	2	12	83%
LABRADOR	3	0	3	100%
TOTAL	43	5	48	90%

Appeals by Type: 2010-11

Appeals by Type (April 1, 2010 to March 31, 2011)									
Type of Appeal	Avalon		Central		Western		Labrador		Total
	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	
Income Support Entitlement	3	1	2		5		1		12
Non-eligibility	6	1	1		1				9
Suspension					1				1
Overpayment	8		1			1	1		11
Furniture Items	4				1		1		6
Employment Supports			1						1
Special Needs	2	1	1			1			5
Health Related	1				2				3
Other									
Total	24	3	6	0	10	2	3	0	48