



Income and
Employment Support
Appeal Board

Activity Report

2011-12

Chairperson's Message

September 14, 2012

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 2011-2012.

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, 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.

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, 2011 to March 31, 2012. 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
- Vision2
- Activities.....3
- Appendix 4
 - Appeals Heard: 2006 -12 4
 - Appeals by Region: 2011-12 4
 - Appeals by Type: 2011-12 5

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, arms-length body authorized to hear appeals of decisions regarding income support, eligibility for employment supports, funding through the Labour Market Agreement for Persons with Disabilities and the outcome of an internal review 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 member, one of whom is a current or former recipient of income 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 or employment support. Each member shall be appointed for three years by the Lieutenant-Governor in Council and is eligible for re-appointment.

The members of the Income and Employment Support Appeal Board for 2011-12 were:

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 2011-12 were approximately \$50,300 compared to \$44,200 in 2010-11. The increase in costs during 2011-12 was due to the increase in the number of appeal hearings during this period.

The Board has an Executive Secretary who is an employee of the Department of Advanced Education and Skills. This position 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 2011-12 a total of 452 applications for review were received which resulted in 361

internal reviews. Of the remaining 91 applications, 20 were rejected and 71 were resolved informally prior to the internal review.

The second formal level of appeal is a request for an appeal hearing. During 2011-12, the Board received 80 applications for appeal resulting in 53 hearings, as compared to 48 hearings in 2010-11.

Board hearings are typically scheduled for every three weeks and are generally conducted by teleconference. In 2011-12, the average waiting period for a hearing was 18 calendar days compared with 16 days in 2010-11.

There were no applications for appeal with respect to eligibility for benefits under the Newfoundland and Labrador Prescription Drug Program during 2011-12.

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.

Activities

The Income and Employment Support Appeal Board Activity Plan for 2011-14 identified one key objective which represents the focus of the Board. This includes performance measurement information to assist both the Board and the public in monitoring and evaluating success of the Activity Plan. The Board was successful in meeting its performance objective during the first year of the Activity Plan 2011-12. Throughout the past year, the Board ensured the efficient and timely administration of the provincial Income and Employment Support Appeal process.

Objective: By March 31, 2012, the Board will have continued to demonstrate ongoing adherence to legislative timeframes pertaining to the appeal process.

Measure: Demonstrated ongoing adherence to legislative time frames pertaining to the appeal process.

Indicator 1: 100% of hearings scheduled within thirty days of receiving an application.

Results: All 53 applications that were accepted for appeal had their hearing scheduled within a thirty day period.

Indicator 2: 100% of notifications communicated to appellant and relevant parties at least seven days prior to a hearing.

Results: All 53 appellants and relevant parties received notification at least seven days prior to hearing.

Indicator 3: 100% of decisions communicated to the relevant parties within five days of the conclusion of the hearing.

Results: All 53 decisions were communicated to relevant parties within five days of the conclusion of the hearing.

The Board shall continue to maintain an efficient appeal service of excellence that responds to the changing needs of the people of Newfoundland and Labrador. The objective, measure and indicators stated above will apply to the 2012-13 and 2013-14 fiscal years and will be reported on in the relevant annual activity reports.

Appendix

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

Appeals Heard: 2006-07 to 2011-12

APPEALS HEARD	
2006-07	88
2007-08	78
2008-09	71
2009-10	45
2010-11	48
2011-12	53

Appeals by Region: 2011-12

APPEALS HEARD APRIL 1, 2011 - MARCH 31, 2012				
Region	Upheld	Overtured	Total	% Upheld
AVALON	17	2	19	89%
CENTRAL	15	3	18	83%
WESTERN	13	1	14	93%
LABRADOR	2	0	2	100%
TOTAL	47	6	53	89%

Appeals by Type
(April 1, 2011 to March 31, 2012)

Type of Appeal	Avalon		Central		Western		Labrador		Total
	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	
Income Support Entitlement	1		5		4				10
Non-eligibility	3		4		1				8
Suspension	2		2	1	3				8
Overpayment	6				2		1		9
Furniture Items		2	1	1	1				5
Career, Employment and Youth Services							1		1
Labour Market Agreement for Persons with Disabilities	2		1		1				4
Special Needs	3		2	1	1	1			8
Health Related									
Other									
Total	17	2	15	3	13	1	2	0	53