

Income and Employment Support Appeal Board

Activity Report 2015-16

July 22, 2016

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

Dear Minister Byrne:

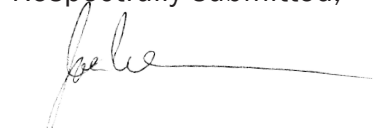
I am pleased to submit the Income and Employment Support Appeal Board Activity Report for 2015-16. This report reflects the activity for the second year of the 2014-17 Activity Plan.

The Board primarily 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 that all performance indicators were successfully met for the recurring objective during the second year of the Activity Plan.

This report covers the period April 1, 2015 to March 31, 2016. 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

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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 funded by the province and those funded through the Labour Market Agreement for Persons with Disabilities. The Board also hears appeals with respect to eligibility for benefits 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. 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 2015-16 were:

Mr. Joseph Greene, Chairperson

Mr. David Manning, Vice-Chairperson

Ms. Leona Ezekiel, Member

Mr. Andrew Tobin, Alternate Member

Ms. Diane Nurse, Alternate Member

Mr. Jerry Hynes, Alternate Member

The board members are appointed from the general public and receive remuneration in accordance with Provincial Government policies. The remuneration, travel expenses and costs associated with the work of the Board are included in the budget of the Department of Advanced Education and Skills under General Administration. Costs associated with the Appeal Board for 2015-16 were approximately \$97,500 compared to \$108,300 in 2014-15. The Board reduced expenditures this fiscal year as a result of reduced travel and operating costs. Full budget details can be found in Table 4, in the Appendix on page 7.

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 for an income support client or a provincially-funded employment support client, is a request for an internal review. These reviews are completed by departmental employees and are outside the mandate of the Board. During 2015-16, a total of 523 applications were received for internal review. One hundred and six of these were resolved informally, 14 were cancelled, and the remaining 311 elected not to proceed further.

The second formal level of appeal is a request for an appeal hearing with the Board. Ninety-two applications came forward in 2015-16 for a formal appeal. Of these 92 applications, only 39 hearings were conducted, as issues were resolved, or clients chose not to proceed. The number of applications increased and hearings declined from the previous year, when 65 applications came forward, with 46 hearings held in 2014-15.

Board hearings are typically scheduled for every three weeks with appellants generally joining via teleconference (Note: an in-person appeal is possible upon request). In 2015-16, the average waiting period for a hearing was 20 calendar days.

There were no applications for appeal with respect to eligibility for benefits under the Newfoundland and Labrador Prescription Drug Program during 2015-16.

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.

Lines of Business

The Board administers one line of business, which is to deliver the appeal board process.

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;
- Discuss and decide the case;
- Communicate the decision of the Board in writing, to the appellant within five days of the conclusion of the hearing; and,
- Send copies of decisions 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.

Activities

The Income and Employment Support Appeal Board Activity Plan for 2014-17 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 second year 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.

Objective: By March 31, 2016, the Board will have continued to demonstrate ongoing adherence to legislative timeframes pertaining to the appeal process.

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

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

Results: All 39 applications that were accepted for appeal were scheduled within a thirty day period.

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

Results: All 39 appellants and relevant parties received notification at least seven days prior to a hearing.

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

Results: All 39 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 that responds to the needs of the people of Newfoundland and Labrador. The objective, measure and indicators stated above will apply to the 2016-17 fiscal year and will be reported on in the annual activity report.

Appendix

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

Appeals 5-Year Totals: (2011-12 to 2015-16)

Table 1: Appeals Heard	
2011-12	53
2012-13	51
2013-14	56
2014-15	46
2015-16	39

Appeals by Region: 2015-16

Table 2: Appeals Heard - April 1, 2015 - March 31, 2016				
Region	Upheld	Overtured	Total	% Upheld
Avalon	15	5	20	75%
Central	7	3	10	70%
Western	8	1	9	89%
Labrador	0	0	0	N/A
TOTAL	30	9	39	77%

Appeals by Type: 2015-16

Table 3: Appeals by Type - (April 1, 2015 to March 31, 2016)

Type of Appeal	Avalon		Central		Western		Labrador		Total
	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	
Income Support Entitlement	4	2	3	-	3	-	-	-	12
Non-eligibility	-	-	-	-	-	-	-	-	0
Suspension	5	1	2	-	5	-	-	-	13
Overpayment	1	-	1	-	-	-	-	-	2
Furniture Items	-	-	-	1	-	-	-	-	1
Employment Supports*	-	-	-	-	-	-	-	-	0
Labour Market Agreement for Persons with Disabilities	-	-	-	-	-	-	-	-	0
Special Needs	1	1	-	-	-	1	-	-	3
Medical Transportation	2	1	1	2	-	-	-	-	6
Vision Care	-	-	-	-	-	-	-	-	0
Burial	-	-	-	-	-	-	-	-	0
Health Related	2	-	-	-	-	-	-	-	2
TOTAL	15	5	7	3	8	1	0	0	39

*Previously referenced as Career Employment and Youth Services, includes employment supports solely funded by the Government of Newfoundland and Labrador.

Appeal Board Budget and Expenditures: 2015-16

Table 4: Budget and Expenditures: 2015-16		
Category	Budget	Expenditures
Salaries	\$58,400.00	\$59,440.04
Transportation and Communications	\$30,500.00	\$15,818.60
Professional Services	\$30,000.00	\$21,950.00
Purchased Services	\$1,000.00	\$300.88
Supplies	\$500,00	\$0.00
Total	\$120,400.00	\$97,509.52

