

Income and Employment Support Appeal Board

Annual Report 2020-21

Chairperson's Message

Hon. John Abbott
Minister
Department of Children, Seniors and Social Development
P.O. Box 8700
St. John's, NL
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Dear Minister Abbott:

I am pleased to submit the Income and Employment Support Appeal Board Annual Report for 2020-21. This Annual Report has been prepared in compliance with the **Transparency and Accountability Act**. The Board has been identified as a Category Three Provincial Government entity. This report reflects the activity for the first year of the 2020-23 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 the performance indicators for the recurring objective during the first year of the Activity Plan. This report covers the period April 1, 2020 to March 31, 2021. 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 and disability supports funded by the Provincial Government. The Board also hears appeals with respect to coverage 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 is appointed for three years by the Lieutenant-Governor in Council and is eligible for re-appointment.

As of March 31, 2021, the members of the Income and Employment Support Appeal Board for 2020-21 were:

- Joseph Greene, Chair, Eastern Region
(October 5, 2018 - October 4, 2021)
- Sam Synard, Vice-Chair, Eastern Region
(April 12, 2019 - April 11, 2022)
- Andrew Tobin, Member, Western Region
(October 5, 2018 - October 4, 2021)
- Bernice Pritchett, Alternate Member, Western Region
(October 5, 2018 - October 4, 2021)
- Allan Reid, Alternate Member, Eastern Region
(October 5, 2018 - October 4, 2021)
- Michelle Wall, Alternate Member, Eastern Region
(September 5, 2019 - September 4, 2022)

Members are appointed from the general public through the merit-based process for agencies, boards and commissions' appointments through the Independent Appointments Commission. The Board receives 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), (formerly the Department of Immigration, Skills and Labour, ISL) under General Administration. Full budget details can be found in Table 4 in the Appendix.

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 2020-21, the department received a total of 242 applications for Internal Review. During the Internal Review process 40 of these cases were formally resolved, three were overturned, 25 were not heard (the appellant withdrew or the request was submitted outside the 60 day timeframe), and for 131 cases the appellant chose not to proceed further.

The second formal level of appeal is a request for an appeal hearing with the Board. The remaining 43 appellants came forward in 2020-21 for a formal appeal. There were 31 hearings throughout this fiscal year. The Executive Secretary also coordinated work for the other 12 appeals, however, these appeals were either postponed, resolved, did not meet the 60 day criteria or clients chose not to proceed. The number of applications received in 2020-21 decreased from the 64 applications that came forward in 2019-20.

Board hearings are typically scheduled every three to four weeks with appellants joining via teleconference, or in-person upon request. In 2020-21, 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 2020-21.

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 then 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 by teleconference (an in-person appeal may be possible upon request). Board hearings are typically scheduled every three to four weeks.

When an Application for Appeal is received, the Board shall:

- Acknowledge the appeal;
- Arrange a date for hearing the appeal within 30 days of receiving an application;
- Notify the appellant verbally of their right to appear and to be represented;
- Give at least seven days' notice of date, time and place of the hearing to the appellant and all relevant officers of CSSD (formerly of ISL).
- Send copies of prepared documentation pertinent to the appellant's appeal, at least seven days prior to the hearing, to the appellant and the board members.
- Proceed with the hearing as scheduled, unless a postponement is requested by the appellant;
- Deliberate and make a decision;
- Communicate the decision of the Board in writing to the appellant within five business days of the conclusion of the hearing; and
- Send copies of decisions to the Board members and relevant offices of CSSD (formerly of ISL).

An applicant or a recipient who is not satisfied with a ruling of the Board may appeal to the General Division of the Supreme Court of Newfoundland and Labrador (third and final level of appeal).

Report on Performance

The Income and Employment Support Appeal Board Activity Plan 2020-23 identified one key objective: performance measurement information 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 first year of the Activity Plan.

Objective: By March 31, 2021, 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: All 31 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: All 31 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: All 31 decisions were communicated to relevant parties within five business days of the Board's decision.

The 2020-21 annual report marks the beginning of the planning cycle for the Activity Plan 2020-23. The Board accepted 31 applications, all of which resulted in an appeal hearing. All hearings were scheduled within 30 days of receiving their application. All 31 appellants, and relevant parties, received notification of the hearing at least seven days prior to the hearing. All 31 decisions were communicated to relevant parties within five business days of the conclusion of the hearing. During this period, the Board met its objective of ongoing adherence to appeal process timeframes.

During 2020-21 fiscal year, two of the 31 appeals heard were granted a partial approval, which is presented as 'Other' in Tables 2 and 3 of the Appendix. An example of a partial approval is that during deliberations the Board members may decide to approve that a conjugal relationship does not exist based on the evidence presented at the hearing; however, deny the overpayment of rental income. This would result in the clients Income Support benefits being reinstated while the overpayment is collected from their basic Income Support benefits.

Opportunities and Challenges

The COVID-19 public health emergency, which resulted in public health restrictions starting in March 2020 that are still in effect to-date, did not impact the Board's operations during the reporting period that ended March 31, 2021. For 2020-21, the Board adjusted its operations to hold appeals and meetings via teleconference, ensuring the continuation of appeal hearings while adhering to public health guidelines.

In 2021-22, the Board will take the same approach with its operations and does not foresee any disruption in service.

Appendix

The following tables provide a comparison of Appeal Board hearing statistics by fiscal year, region and type of appeal, as well as an overview of the Appeal Board's budget and expenditures.

Appeals Five-Year Totals: 2016-17 to 2020-21

Table 1: Appeals Heard	
2016-17	45
2017-18	62
2018-19	49
2019-20	49
2020-21	31

Appeals by Region: 2020-21

Table 2: Appeals Heard by Region 2020-21					
Region	Upheld	Overtured	Other*	Total	% Upheld
Eastern	15	3	2	20	75%
Western	10	1	-	11	91%
TOTAL	25	4	2	31	81%

*refers to those appellant's who were given part approval for their appeal re: decision letters from the Board.

Result of Appeals: 2020-21

Table 3: Result of Appeals 2020-21							
Type of Appeal	Eastern			Western			Total
	Upheld	Overtured	Other*	Upheld	Overtured	Other*	
Income Support Rates	2	-	-	2	-	-	4
Non-eligibility	6	-	-	1	1	-	8
Eligibility Date	-	-	-	1	-	-	1
Suspension	-	1	1	-	-	-	2
Overpayment	6	1	1	4	-	-	12
Furniture Items	1	-	-	-	-	-	1
Special Needs	-	1	-	-	-	-	1
Hearing Aids	-	-	-	1	-	-	1
Health Related	-	-	-	1	-	-	1
TOTAL	15	3	2	10	1	-	31

*Other refers to appellant's appeal hearings that were given part approval.

Appeal Board Budget and Expenditures: 2020-21

Table 4: Budget and Expenditures 2020-21		
Category	Budget	Expenditures
Salaries	\$58,400	\$46,319
Transportation and Communications	\$16,800	\$2,303
Professional Services	\$25,200	\$11,835
Purchased Services	\$1,000	\$0
Supplies	\$300	\$75
Total	\$101,700	\$60,531

*The Board is being supported by an employee of the Policy, Strategic Planning and Quality Assurance Division of ISL, resulting in a decrease in expenditures in the 2020-21 fiscal year salaries.