

Income and Employment Support Appeal Board

Annual Report 2018-19

Honourable Christopher Mitchelmore
Minister
Department of Advanced Education, Skills and Labour
P.O. Box 8700
St. John's, NL
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Dear Minister Mitchelmore:

I am pleased to submit the Income and Employment Support Appeal Board Annual Report for 2018-19. This report reflects the activity for the second year of the 2017-20 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, 2018 to March 31, 2019. My signature below is on behalf of the Board and is indicative of the Board's accountability for the actual results reported.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Greene', with a long horizontal flourish extending to the right.

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, 2019, the members of the Income and Employment Support Appeal Board for 2018-19 were:

- Mr. Joseph Greene, Chairperson, Eastern Region
- Mr. David Manning, Vice-Chairperson, Eastern Region
- Mr. Andrew Tobin, Member, Western Region
- Ms. Bernice Pritchett, Alternate Member, Western Region
- Mr. Allan Reid, Alternate Member, Eastern Region
- Vacant, 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, Skills and Labour under General Administration. Costs associated with the Appeal Board for 2018-19 were approximately \$62,080 compared to \$88,363 in 2017-18. The Board expenditures decreased this fiscal year due to a decrease in the

number of appeal hearings and staffing changes. The Executive Secretary position was vacated in July 2018; for the remainder of the year, the Board was supported by an employee of the Policy, Strategic Planning and Quality Assurance Division, resulting in a decrease in salary expenditures. Full budget details can be found in Table 4, in the Appendix.

The Board has an Executive Secretary who is an employee of the Department of Advanced Education, Skills and Labour. The Executive Secretary has no voting privileges. 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 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 2018-19, the department received a total of 439 applications for internal review. During the internal review process 66 of these cases were formally resolved, 29 were overturned, 24 were cancelled (the appellant withdrew or the request was submitted outside the 60 day timeframe), and 263 cases elected not to proceed further. The second formal level of appeal is a request for an appeal hearing with the Board. The remaining 57 appellants came forward in 2018-19 for a formal appeal. There were 49 hearings this fiscal year. The Executive Secretary also coordinated work for the other eight applicants which were either postponed, resolved, or clients chose not to proceed. The number of applications and hearings decreased from the previous year, when 101 applications came forward with 62 hearings held in 2017-18.

Board hearings are typically scheduled every three weeks with appellants joining via teleconference, or in-person upon request. In 2018-19, 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 2018-19.

Report on Performance

The Income and Employment Support Appeal Board Activity Plan for 2017-20 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, 2019, the Board will have continued to demonstrate ongoing adherence to legislative timeframes pertaining to the appeal process.

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

Results: All 49 applications that were accepted for appeal were scheduled for a hearing within a thirty day period.

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

Results: All 49 appellants and relevant parties were contacted via telephone to confirm dates and time of hearings in advance of receiving their written notification seven days prior to the hearing.

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

Results: All 49 decisions were communicated to relevant parties within five business days of the conclusion of the hearing.

The objective and indicators stated above will apply to the 2019-20 fiscal year, the last reporting year of the 2017-20 Income and Employment Support Appeal Board Activity Plan.

During 2018-19, the Board provided an efficient appeal service that responded to the needs of the people of Newfoundland and Labrador.

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: 2014-15 to 2018-19

Table 1: Appeals Heard	
2014-15	46
2015-16	39
2016-17	45
2017-18	62
2018-19	49

Appeals by Region: 2018-19

Table 2: Appeals Heard by Region 2018-19				
Region	Upheld	Overturned	Total	% Upheld
Eastern	24	5	29	83%
Western	17	3	20	85%
TOTAL	41	8	49	84%

Result of Appeals: 2018-19

Table 3: Result of Appeals 2018-19					
Type of Appeal	Eastern		Western		Total
	Upheld	Overtured	Upheld	Overtured	
Income Support Entitlement	4	-	1	-	5
Non-eligibility	3	-	1	2	6
Suspension	5	2	1	1	9
Overpayment	10	-	5	-	15
Furniture Items	-	1	1	-	2
Special Needs	-	1	2	-	3
Medical Transportation	-	1	3	-	4
Vision Care	-	-	-	-	-
Burial	1	-	1	-	2
Health Related	1	-	-	-	1
Hearing Aids	-	-	2	-	2
TOTAL	24	5	17	3	49

Appeal Board Budget and Expenditures: 2018-19

Table 4: Budget and Expenditures 2018-19		
Category	Budget	Expenditures
Salaries	\$58,400	\$22,462*
Transportation and Communications	\$12,100	\$14,645
Professional Services	\$19,800	\$24,720
Purchased Services	\$1,000	\$253
Supplies	\$300	\$0
Total	\$91,600	\$62,080

*The Board was supported by an employee of the Policy, Strategic Planning and Quality Assurance Division for part of the fiscal year, resulting in a decrease in expenditures in the 2018-19 fiscal year salaries.