

Income and Employment Support Appeal Board

Annual Report 2019-20

Hon. Gerry Byrne
Minister
Department of Immigration, Skills and Labour
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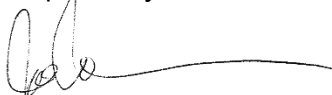
Dear Minister Byrne:

I am pleased to submit the Income and Employment Support Appeal Board Annual Report for 2019-20. 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 third 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 the performance indicators for the recurring objective during the third year of the Activity Plan. This report covers the period April 1, 2019 to March 31, 2020. 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 'Joe', with a long horizontal flourish extending to the right.

Joseph Greene
Chairperson

Table of Contents

Overview	1
Report on Performance.....	3
Appendix	5
Appeals Five-Year Totals: 2015-16 to 2019-20	5
Appeals by Region: 2019-20	5
Result of Appeals: 2019-20	6
Appeal Board Budget and Expenditures: 2019-20.....	6

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, 2020, the members of the Income and Employment Support Appeal Board for 2019-20 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 Immigration, Skills and Labour (formerly the Department of Advanced Education, Skills and Labour) under General Administration. Costs associated with the Appeal Board for 2019-20 were approximately \$39,813 compared to \$62,080 in 2018-19. 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 ISL and are outside the mandate of the Board. During 2019-20, the department received a total of 335 applications for Internal Review. During the Internal Review process 63 of these cases were formally resolved, 10 were overturned, nine were not heard (the appellant withdrew or the request was submitted outside the 60 day timeframe), and for 189 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 64 appellants came forward in 2019-20 for a formal appeal. There were 49 hearings throughout this fiscal year. The Executive Secretary also coordinated work for the other 15 appeals, however, these appeals were either postponed, resolved or did not meet the 60 day criteria, or clients chose not to proceed. The number of applications received in 2019-20 increased from the 57 applications that came forward in 2018-19; however the number of hearings remained the same from the previous year, with 49 hearings held.

Board hearings are typically scheduled every three to four weeks with appellants joining via teleconference or in-person, upon request. In 2019-20, 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 2019-20.

Report on Performance

The Income and Employment Support Appeal Board Activity Plan 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. 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 but one of its performance objectives during the third year of the Activity Plan. Two appeals did not meet the 30 day legislative requirement in January 2020 due to the aftermath of a major winter storm. The City of St. John's declared a State of Emergency on January 17, 2020, ordering all government offices, schools and businesses to shut down, which coincided with appeal hearings scheduled for January 21, 2020.

Objective: By March 31, 2020, 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 49 applications that were accepted for appeal were scheduled for a hearing within a thirty day period. However, due to the State of Emergency by the City of St. John's in January 2020, the appeal hearing scheduled for January 21, 2020 was cancelled, resulting in two hearings having to be rescheduled and therefore not meeting the 30 day legislative timeframe. After the State of Emergency was lifted, the hearings were rescheduled and heard on January 29, 2020.

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

The 2019-20 annual report marks the end of the current planning cycle for fiscal years 2017-18, 2018-19, and 2019-20. During the three year period, the Board accepted 160 applications which resulted in an appeal hearing. All 160 applications that were accepted had their appeal hearing scheduled within 30 days of receiving their application, with the exception of two hearings. These two hearings did not meet the 30 day legislative requirement in January 2020, due to the aftermath of a major winter storm that hit the St. John's area, and these hearings had to be rescheduled. All 160 appellants and relevant parties received notification of the hearing at least seven days prior to the hearing. All 160 decisions were communicated to relevant parties within five days of the conclusion of the hearing. During this period, the Board met its objective of ongoing adherence to appeal process timeframes.

The COVID-19 public health emergency, which resulted in public health restrictions starting in March 2020, did not impact the Board's operations during the reporting period that ended March 31, 2020. 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.

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: 2015-16 to 2019-20

Table 1: Appeals Heard	
2015-16	39
2016-17	45
2017-18	62
2018-19	49
2019-20	49

Appeals by Region: 2019-20

Table 2: Appeals Heard by Region 2019-20				
Region	Upheld	Overtured	Total	% Upheld
Eastern	19	3	22	86%
Western	21	6	27	78%
TOTAL	40	9	49	82%

Result of Appeals: 2019-20

Table 3: Result of Appeals 2019-20					
Type of Appeal	Eastern		Western		Total
	Upheld	Overtured	Upheld	Overtured	
Income Support Entitlement	7	-	6	2	15
Non-eligibility	6	-	4	1	11
Suspension	-	2	3	-	5
Overpayment	4	-	5	1	10
Furniture Items	1	-	2	1	4
Special Needs	-	1	-	-	1
Vision Care	-	-	1	-	1
Health Related	1	-	-	1	2
TOTAL	19	3	21	6	49

Appeal Board Budget and Expenditures: 2019-20

Table 4: Budget and Expenditures 2019-20		
Category	Budget	Expenditures
Salaries	\$58,400	\$0*
Transportation and Communications	\$16,800	\$18,084
Professional Services	\$25,200	\$21,240
Purchased Services	\$1,000	\$461
Supplies	\$300	\$28
Total	\$101,700	\$39,813

*The Board is being supported by an employee of the Policy, Strategic Planning and Quality Assurance Division, resulting in a decrease in expenditures in the 2019-20 fiscal year salaries.