

Income and Employment Support Appeal Board

Activity Report 2014-15

August 31, 2015

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

Dear Minister Jackman:

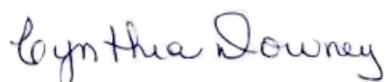
I am pleased to submit the Income and Employment Support Appeal Board Activity Report for 2014-15. This report reflects the activity for the first year of the 2014-17 Activity Plan.

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 first year of the Activity Plan.

This report covers the period April 1, 2014 to March 31, 2015. My signature below is on behalf of the Board and is indicative of the Board's accountability for the actual results reported.

Respectfully submitted,



Cynthia Downey
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 member, one of whom is a current or former recipient of income or employment support. Two alternate members are also appointed and are available to act in the absence of one of the aforementioned. One of the alternate members 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 2014-15 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 Provincial Government policies. The remuneration, travel expenses and costs associated with the work of the Board are included in the Department of Advanced Education and Skills' budget under the General Administration activity. Costs associated with Appeal Board hearings for 2014-15 were approximately \$52,000 compared to \$50,000 in 2013-14.

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 or a provincially-funded employment support, is a request for an internal review. These reviews are completed by departmental employees and are outside the mandate of the Board. During 2014-15, a total of 429 applications were received for internal review. Eighty-three of these were resolved informally and 5 were cancelled.

The second formal level of appeal is a request for an appeal hearing with the Board. Given that a portion of issues are resolved, or some individuals choose not to go forward with a formal appeal, only 65 applications came forward in 2014-15 for a formal appeal. Of these 65 applications, only 46 hearings were conducted, as issues were resolved or clients chose not to proceed. The number of applications and hearings declined from the previous year, when 75 applications came forward, with 56 hearings held in 2013-14.

Board hearings are typically scheduled for every three weeks with appellants joining via teleconference. In 2014-15, the average waiting period for a hearing was 22 calendar days.

There were no applications for appeal with respect to eligibility for benefits under the Newfoundland and Labrador Prescription Drug Program during 2014-15.

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. 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, to the appellant within five days of the conclusion of the hearing, 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.

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 first 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, 2015, 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 46 applications that were accepted for appeal had their hearing 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 46 appellants and relevant parties received notification at least seven days prior to hearing.

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

Results: All 46 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 changing needs of the people of Newfoundland and Labrador. The objective, measure and indicators stated above will apply to the 2015-16 and 2016-17 fiscal years and will be reported on in the relevant annual activity reports.

Appendix

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

Appeals 5-Year Total: (2010-11 to 2014-15)

Table 1: Appeals Heard	
2010-11	48
2011-12	53
2012-13	51
2013-14	56
2014-15	46

Appeals by Region: 2014-15

Table 2: Appeals Heard - April 1, 2014 - March 31, 2015				
Region	Upheld	Overtured	Total	% Upheld
Avalon	9	5	14	64%
Central	18	3	21	86%
Western	10	1	11	91%
Labrador	0	0	0	N/A
TOTAL	37	9	46	80%

Appeals by Type: 2014-15

Table 3: Appeals by Type - (April 1, 2014 to March 31, 2015)									
Type of Appeal	Avalon		Central		Western		Labrador		Total
	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	
Income Support Entitlement	1	1	1	-	3	1	-	-	7
Non-eligibility	-	-	7	-	2	-	-	-	9
Suspension	2	-	4	-	-	-	-	-	6
Overpayment	5	-	-	-	2	-	-	-	7
Furniture Items	-	1	2	1	-	-	-	-	4
Employment Supports*	-	-	-	-	-	-	-	-	0
Labour Market Agreement for Persons with Disabilities	-	-	-	-	-	-	-	-	0
Special Needs	-	-	1	1	1	-	-	-	3
Medical Transportation	1	3	3	-	-	-	-	-	7
Vision Care	-	-	-	1	1	-	-	-	2
Burial	-	-	-	-	1	-	-	-	1
Health Related	-	-	-	-	-	-	-	-	0
TOTAL	9	5	18	3	10	1	0	0	46
*Previously referenced as Career Employment and Youth Services, includes employment supports solely funded by the Government of Newfoundland and Labrador.									

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