

Income and  
Employment Support  
Appeal Board

Activity Report

2012-13

## Chairperson's Message

September 5, 2013

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

Dear Minister Shea:

I am pleased to submit the Income and Employment Support Appeal Board Activity Report for 2012-2013.

The Board's mandate is to hear appeals and render 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.

This report covers the period April 1, 2012 to March 31, 2013. My signature below is on behalf of the Board and is indicative of the Board's accountability for the actual results reported herein.

Respectfully submitted,



Cynthia Downey  
Chairperson

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# INCOME AND EMPLOYMENT SUPPORT APPEAL BOARD

## **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 of decisions regarding income support, eligibility for employment supports and funding through the Labour Market Agreement for Persons with Disabilities. The Board also hears appeals with respect to eligibility for Newfoundland and Labrador Prescription Drug Program benefits 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 appointed and are available to act in the absence of one of the aforementioned. One of the alternate members is 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 2012-13 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 Departmental budget under the General Administration activity. Costs associated with Appeal Board hearings for 2012-13 were approximately \$52,000 compared to \$50,300 in 2011-12.

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 is a request for an internal review. This review is conducted by departmental staff in one of the relevant four Regional Offices throughout the province.

During 2012-13, a total of 467 applications for review were received which resulted in 391 internal reviews. Of the remaining 76 applications, 3 were rejected, 6 were cancelled and 67 were resolved informally prior to the internal review.

The second formal level of appeal is a request for an appeal hearing. During 2012-13, the Board received 101 applications for appeal resulting in 64 scheduled hearings, as compared to 53 hearings in 2011-12.

Board hearings are typically scheduled for every three weeks and are generally conducted by teleconference. In 2012-13, the average waiting period for a hearing was 21 calendar days compared with 18 days in 2011-12.

There were no applications for appeal with respect to eligibility for benefits under the Newfoundland and Labrador Prescription Drug Program during 2012-13.

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

## **Vision**

Residents of Newfoundland and Labrador are treated in a fair and timely manner to ensure the maximum entitlement allowable under the *Income and Employment Support Act and Regulations* when making appeals to the Appeal Board.

## **Activities**

The Income and Employment Support Appeal Board Activity Plan for 2011-14 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 2012-13. 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, 2013, the Board will have continued to demonstrate ongoing adherence to legislative timeframes pertaining to the appeal process.

**Measure:** Demonstrated ongoing adherence to legislative time frames pertaining to the appeal process.

**Indicator 1:** 100% of hearings scheduled within thirty days of receiving an application.

**Results:** All 64 applications that were accepted for appeal had their hearing scheduled within a thirty day period.

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

**Results:** All 64 appellants and relevant parties received notification at least seven days prior to hearing.

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

**Results:** Of the 64 scheduled hearings, 9 were cancelled and 4 were held over to 2013-14, at the request of the appellants. The remaining 51 proceeded as scheduled. All 51 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 of excellence that responds to the changing needs of the people of Newfoundland and Labrador. The objective, measure and indicators stated above will apply to the 2013-14 fiscal year and will be reported on in the relevant annual activity reports.

## Appendix

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

### **Appeals 5-Year Total: (2008-09 to 2012-13)**

<b>APPEALS HEARD</b>	
2008-09	71
2009-10	45
2010-11	48
2011-12	53
2012-13	51

### **Appeals by Region: 2012-13**

<b>APPEALS HEARD</b>				
<b>APRIL 1, 2012 - MARCH 31, 2013</b>				
<b>Region</b>	<b>Upheld</b>	<b>Overtured</b>	<b>Total</b>	<b>% Upheld</b>
AVALON	16	2	18	89%
CENTRAL	13	3	16	81%
WESTERN	15	1	16	94%
LABRADOR	1	0	1	100%
<b>TOTAL</b>	<b>45</b>	<b>6</b>	<b>51</b>	<b>88%</b>

**Appeals by Type**  
**(April 1, 2012 to March 31, 2013)**

Type of Appeal	Avalon		Central		Western		Labrador		Total
	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	
Income Support Entitlement	1		1	1					3
Non-eligibility	4		2		3				9
Suspension			5		4		1		10
Overpayment	7		2						9
Furniture Items	1	1	1	1	2				6
Career, Employment and Youth Services	1								1
Labour Market Agreement for Persons with Disabilities	1				1				2
Special Needs		1	2	1	3	1			8
Health Related	1				2				3
Other									
<b>Total</b>	<b>16</b>	<b>2</b>	<b>13</b>	<b>3</b>	<b>15</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>51</b>