

## THINGS YOU NEED TO KNOW ABOUT THE APPEAL PROCESS

If you do not agree with a decision made about your Income Support (IS), Training benefits or Assured Income for the Severely Handicapped (AISH) benefits you can appeal the decision. You can also appeal if your application or renewal for the Alberta Child Health Benefit (ACHB), or your renewal for the Alberta Adult Health Benefit (AAHB) is denied because of your income.

### INFORMAL REVIEW (ADMINISTRATIVE REVIEW)

The Administrative Review is the first step in the appeal process.

When you send a **Notice of Appeal** to Alberta Human Resources and Employment (AHRE), a senior staff person may call you. They will ask if you have anything else to tell them. They will review:

- your file,
- the information you give, and
- the information your worker or the authorized official gave.

The senior staff person will then either agree or disagree with the original decision. If they disagree with the original decision, you will get what you asked for or they will try to find a solution to meet your needs. If they agree with the original decision, they will send you a Review of Decision to explain why you will not get what you asked for.

If the informal review does not change the decision, your appeal will go to the Citizens Appeal Panel unless you tell AHRE you do not want a formal appeal.

### FORMAL REVIEW (APPEAL HEARING)

The Citizens Appeal Panel listens to clients' concerns about their benefits. They provide a fair and neutral review of AHRE decisions. The Minister of AHRE chooses members for this panel but they are not employees of AHRE.

AHRE staff make decisions based on laws and policy. The Appeal Panel can change a policy decision or give their own understanding of a law, but they cannot change the laws.

*Please read the back of the Notice of Appeal form for more things you need to know about the Appeal Panel and the Appeal Hearing.*

### WHERE TO SEND THE NOTICE OF APPEAL

You can mail or drop off the Notice of Appeal form to an AHRE office:

- if your appeal is about Income Support (Expected to Work/Not Expected to Work) or AISH, to the AHRE office where your worker is, or
- if your appeal is about Income Support or training benefits for Learners  
Students Finance  
PO Box 28000, Station Main  
Edmonton, Alberta T5J 4R4
- if your appeal is about the ACHB or AAHB, to the office address shown on the letter you received saying you were not eligible

OR to the Appeals Secretariat  
6th floor Centre West Building  
10035 - 108 Street  
Edmonton, Alberta T6J 6M2

↪ **Please read the back before completing this form.  
The information provided will assist you with your appeal.**

*The information you provide on this form is collected under the authority of the Income and Employment Supports Act, or the Assured Income for the Severely Handicapped Act, and is in accordance with the Freedom of Information and Protection of Privacy Act. The information will be used to determine and verify your eligibility for Income Support or Assured Income for the Severely Handicapped benefits, or the Alberta Child Health Benefit or Alberta Adult Health Benefit programs. This information may be matched and verified with other sources, agencies, and governments. If you have any questions about the collection of this information you may contact your worker, or Learners can contact the Student Funding Contact Centre in Edmonton at 427-3722 or toll free at 1-800-222-6485.*

**• Please press hard.**

<b>DECISION TO BE APPEALED</b>			<b>For Human Resources and Employment Use Only</b>			
<input type="checkbox"/> <b>Income Support Benefits (IS), including Learners</b> <input type="checkbox"/> <b>Training Benefits</b> <input type="checkbox"/> <b>Assured Income for the Severely Handicapped (AISH)</b> <input type="checkbox"/> <b>Alberta Child Health Benefit (ACHB)</b> <input type="checkbox"/> <b>Alberta Adult Health Benefit (AAHB)</b>			<div style="border: 1px solid black; padding: 5px;">                 AHRE Office/Unit/Caseload  </div> <div style="border: 1px solid black; padding: 5px;">                 File Number  </div> <div style="border: 1px solid black; padding: 5px;">                 Date Received                  yyyy          mm          dd                                                      </div>			
Name		<i>Last name</i>	<i>First name</i>		Phone Number	
Address		<i>Street/PO Box</i>		<i>City/Town/Municipality</i>		<i>Postal Code</i>
<p>1. What decision are you appealing?</p> <p style="text-align: center;">2. Why are you appealing? <i>(Attach additional pages if you need more space to describe your situation.)</i></p>						
<p>I understand a Department supervisor or management staff will conduct an informal review (administrative review) of the decision right away to see if the problem can be solved without a formal review (appeal hearing). I understand if the problem is not solved, my appeal will automatically go to the Citizen's Appeal Panel <b>unless I withdraw my appeal verbally or in writing.</b></p> <p>I understand that I must submit this Notice of Appeal to my Alberta Human Resources and Employment (AHRE) Office within <b>30 days</b> of being notified of the decision and of my right to appeal. <b><i>(See the front page of this form for where to submit the Notice of Appeal)</i></b></p>						
yyyy / mm / dd _____ (Date)		_____ Applicant/Recipient signature				
<p><b>Please keep the Client Copy of this form for your records and submit the original to AHRE.</b></p>						





# IMPORTANT APPEAL INFORMATION

If you do not agree with a decision made about your Income Support (IS), Training benefits or Assured Income for the Severely Handicapped (AISH) benefits you can appeal the decision. You can also appeal if your application or renewal for the Alberta Child Health Benefit (ACHB), or your renewal for the Alberta Adult Health Benefit (AAHB) is denied because of your income.

## How appeal panels decide

The department decides on a legal interpretation of the Acts which apply to the IS, AISH, ACHB and AAHB Programs. Appeal panels can over-ride that interpretation, or policy, but they cannot go beyond the limits set by the Acts and Regulations. For example, they cannot give you more money than the laws allow. If you would like to read the Income and Employment Supports Act, or its associated Regulations, or the Assured Income for the Severely Handicapped Act and the AISH Regulations, copies are available at most libraries, or access the Queen's Printer website [www.qp.gov.ab.ca](http://www.qp.gov.ab.ca).

## How the appeal hearing works

- The Chairperson introduces everyone present and goes over the rules. He or she states the decision being appealed and asks if anyone objects to the people on the panel or their right to decide.
- The AHRE representative states the reason your application or request for a benefit was rejected. They will provide a presentation that supports the AHRE decision and cannot advocate on your behalf. The representative may refer to the Act and Regulations and advise the panel that these laws do not allow for the benefit to be granted. The representative may also give the panel written information which may include a copy of the appeal summary. Please allow the representative to speak without interruption. You will be allowed an opportunity to ask the department questions.
- Then it is your turn. Make your presentation orally or in writing. You, your witnesses, or the person speaking for you are the only ones who will give information to support your case. You may also present your views on how the Act and Regulations apply to your request. The AHRE representative will allow you to present your case without interruption. Then the panel and the representative may ask you questions.
- The Chairperson then asks if there is any further information or documents. You or the AHRE representative can ask for an adjournment to review any new information.
- Finally, you and the representative have the chance to make final statements based on the information given during the hearing.
- The panel decides and lets you know in writing. Their report will include the reason for the decision.

## Some rules and suggestions

- You must appeal within 30 days from when you receive notice of the department's decision and your right to appeal. Your request must be in writing. If you cannot deliver your notice in person, consider using registered mail. Appeals usually take place soon after your request.
- If you are appealing a decision made under the Income and Employment Supports Act or its associated Regulations, and you are unable to submit your appeal within 30 days, the Director of the Appeals Secretariat may in unusual circumstances waive the requirement to submit within 30 days.
- You should be at the appeal. You may bring an advocate and/or a witness(es) to speak on your behalf and to help you present your case. If you decide to send someone in your place to represent you at the hearing, give that person your written permission. The appeal panel will not allow anyone to represent you without your written permission.
- If you cannot attend, please let the appeal panel and the department know as soon as possible and at least a full day in advance. There is no penalty for asking for a new date. A new hearing date can be set.
- If you cannot come to the appeal, and do not let the panel know, the hearing may be held without you. The panel may decide without you being present.
- You must be ready to present your information to the panel the day of the appeal.
- Help avoid delays. Give the department copies of any new information before the hearing. New information may change the department's decision. Hearings are in English. You are responsible for making arrangements for an interpreter; you may contact the Appeals Secretariat at (780) 427-2709 for assistance with this.

## Learner Appeals

Appeals for Income Support and Training benefits for Learners will be held in Edmonton and Calgary only. If you cannot attend, alternate arrangements (e.g. teleconference) will be made with you.

## Confidentiality

By law, appeal panels must keep confidential any information given at the hearing that could identify you.

## After the hearing

Appeal panels may not always make the decision you want. If you are not satisfied, you have the right to request the Ombudsman review the situation. His office number is (780) 427-2756 in Edmonton and (403) 297-6185 in Calgary.

As well, you may request the Court of Queen's Bench to undertake a judicial review of the appeal.

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If you have any questions about the appeal panel or how an appeal works, please telephone the Appeals Secretariat office at (780) 422-9079. If Edmonton is long distance, first dial 310-0000 and then dial 422-9079 for toll-free access. Information is also available on the Appeals Secretariat website [www3.gov.ab.ca/appeals](http://www3.gov.ab.ca/appeals)