

# **Income and Employment Support Appeal Board**

**ANNUAL REPORT  
2006-07**



Chairperson's Message

October 11, 2007

Honourable Shawn Skinner  
Minister  
Department of Human Resources  
Labour and Employment  
P. O. Box 8700  
St. John's, NL  
A1B 4J6

Dear Minister Skinner:

I am pleased to submit the Income and Employment Support Appeal Board Annual Report for 2006-07. This report covers the period April 1, 2006 to March 31, 2007. 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,

A handwritten signature in blue ink that reads "Cynthia Downey". The signature is written in a cursive style.

Cynthia Downey  
Chairperson

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## INCOME AND EMPLOYMENT SUPPORT APPEAL BOARD

The Department of Human Resources, Labour and Employment has an Appeal Process to ensure that all persons who receive or request Income Support and Career and Employment Support receive fair treatment from the Department. The Income and Employment Support Appeal Board is an external body that reviews individual cases, upon request, and decisions are made in accordance with the *Income and Employment Support Act and Regulations*.

### Overview

The Income and Employment Support Appeal Board (the Appeal Board) is an independent, arm's-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 Appeal Board is governed by the *Income and Employment Support Act and Regulations*.

The *Pharmaceutical Services Act (Act)*, proclaimed January 30, 2007, provides for an appeal process resulting from decisions respecting eligibility for or cancellation of benefits available under the Newfoundland and Labrador Prescription Drug Program, Low Income Drug Program. Section 41. (1) of the *Act* authorizes the Appeal Board to hear appeals resulting from decisions concerning coverage under the Low Income Drug Program as outlined in the *Act*.

The Appeal Board is comprised of a chair, vice-chair, and member, one of whom is a current or former recipient of income and/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 and/or employment support. Each member may be appointed for up to three years by the Lieutenant-Governor in Council and is eligible for reappointment.

The current members of the Income and Employment Support Appeal Board are:

Ms. Cynthia Downey, Chairperson  
Ms. Regina Brinston, Vice-Chairperson  
Mr. Andrew Tobin, Member  
Ms. Carmel Osborne, Alternate Member  
Ms. Augusta Whelan, Alternate Member

An employee of the Department of Human Resources Labour and Employment serves as the Executive Secretary to the Board.

## **Appeal Process**

The appeal process as authorized by the *Income and Employment Support Act* includes three levels of review:

- **District Office** -The client may request the supervisor or district manager to review the decision of an officer of the department.
- **Internal Review** -If the decision is upheld by the supervisor or district manager, the client may submit an Application for Review to the Regional Office within 60 days. The internal review is the first formal level of appeal. It consists of an examination of the written documentation, and may include direct contact by telephone to the client. The internal review is normally conducted by Regional Enquiries Coordinators, who are departmental employees but have not been involved in the decision-making in question.
- **Income and Employment Support Appeal Board** - If the internal review upholds the decision of the district office, the client may submit an Application for Appeal to the Appeal Board within 60 days of receiving the internal review decision. The hearing will be scheduled within 30 days of receiving an application for appeal, and the decision of the Appeal Board will be communicated in writing to the appellant within 5 days.

Clients who are not satisfied with the Appeal Board's decision have the option of appealing to the Supreme Court of Newfoundland and Labrador, Trial Division, within 30 days.

## **Activities**

Appeal Board hearings are typically scheduled every two weeks and are generally conducted by teleconference. In 2006-07, the average waiting period for a hearing was 18 calendar days.

The Low Income Drug Program was introduced January 31, 2007 and did not result in appeal applications to the Appeal Board during the 2006-07 year.

During 2006-07, the Appeal Board met 22 times and heard 88 cases, down from 142 in 2005-06. Costs associated with Appeal Board hearings for 2006-07 were approximately \$62,000 (2005-06 - \$77,000).

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

**Appeals Heard 2001-2007**

<b>APPEALS HEARD</b>	
2001-2002	251
2002-2003	241
2003-2004	183
2004-2005	156
2005-2006	142
2006-2007	88

**Appeals by Region 2006-07**

<b>APPEALS HEARD APRIL 1, 2006- March 31, 2007</b>				
<b>Region</b>	<b>Upheld</b>	<b>Overtured</b>	<b>Total</b>	<b>% Upheld</b>
AVALON	42	1	43	98%
CENTRAL	18	0	18	100%
WESTERN	23	3	26	88%
LABRADOR	1	0	1	100%
<b>TOTAL</b>	<b>84</b>	<b>4</b>	<b>88</b>	<b>95%</b>

<b>Reason for Appeals</b>									
<b>Reason for Appeal</b>	<b>Avalon</b>		<b>Central</b>		<b>Western</b>		<b>Labrador</b>		<b>Total</b>
	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	Upheld	Overtured	
Income Support Entitlement	8		2		5				15
Non-eligibility	9		2						11
Suspension	2		6		8	1			17
Overpayment	8		1		1				10
Furniture Items	2	1	3		4	1	1		12
LMAPD Funding	1				1				2
Special Needs	5		2		2	1			10
Health Related	7		2		2				11
Low Income Drug Program									0
<b>Total</b>	<b>42</b>	<b>1</b>	<b>18</b>		<b>23</b>	<b>3</b>	<b>1</b>		<b>88</b>

