

Income and Employment Support Appeal Board

**ANNUAL REPORT
2005-06**



Chairperson's Message

October 18, 2006

Honourable Paul Shelley
Minister
Department of Human Resources
Labour and Employment
P. O. Box 8700
St. John's, NL
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Dear Minister Shelley:

I am pleased to submit the Income and Employment Support Appeal Board Annual Report for 2005-06. This report covers the period April 1, 2005 to March 31, 2006. 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

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 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 2005-06, the average waiting period for a hearing was 17 calendar days.

During 2005-06, the Appeal Board met 21 times and heard 142 cases, down from 156 in 2004-05. Costs associated with Appeal Board hearings for 2005-06 were approximately \$77,000 (2004-05 - \$86,000).

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

Appeals Heard 2000-2006

APPEALS HEARD	
2000-2001	300
2001-2002	251
2002-2003	241
2003-2004	183
2004-2005	156
2005-2006	142

Appeals by Region 2005-06

APPEALS HEARD APRIL 1, 2005- March 31, 2006				
Region	Upheld	Overtured	Total	% Upheld
AVALON	61	9	70	87%
CENTRAL	22	9	31	71%
WESTERN	28	12	40	70%
LABRADOR	1	0	1	100%
TOTAL	112	30	142	79%

Reason for Appeals									
Reason for Appeal	Avalon		Central		Western		Labrador		Total
	Upheld	Overturned	Upheld	Overturned	Upheld	Overturned	Upheld	Overturned	
Income Support Entitlement	15		4	1	3	1	1		25
Non-eligibility	11	2	5	1	4	3			26
Suspension	7	2	5	1	2	1			18
Overpayment	13		1	1	3				18
Furniture Items	3	3	2	3	1	2			14
LMAPD Funding		1							1
Special Needs	8	1	3	2	10	3			27
Health Related	4		2		5	2			13
Total	61	9	22	9	28	12	1		142