

Income and Employment Support Appeal Board

Annual Report 2017-18

Honourable Al Hawkins
Minister
Department of Advanced Education, Skills and Labour
P.O. Box 8700
St. John's, NL
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Dear Minister Hawkins:

I am pleased to submit the Income and Employment Support Appeal Board Annual Report for 2017-18. This report reflects the activity for the first year of the 2017-20 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, 2017 to March 31, 2018. My signature below is on behalf of the Board and is indicative of the Board's accountability for the actual results reported.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joe Greene', with a long horizontal flourish extending to the right.

Joseph Greene
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 coverage 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 a member, one of whom is a current or former recipient of income or employment support. Three alternate members are also appointed, one of whom is also a current or former recipient of income or employment support. Each member is 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 2017-18 were:

- Mr. Joseph Greene, Chairperson, Avalon Region
- Mr. David Manning, Vice-Chairperson, Avalon Region
- Ms. Leona Ezekiel, Member, Avalon Region
- Mr. Andrew Tobin, Alternate Member, Western Region
- Ms. Diane Verge, Alternate Member, Avalon Region
- Mr. Jerry Hynes, Alternate Member, Avalon Region

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 budget of the Department of Advanced Education, Skills and Labour under General Administration. Costs associated with the Appeal Board for 2017-18 were approximately \$88,363 compared to \$77,850 in 2016-

17. The Board expenditures increased this fiscal year due to an increase in the number of appeal hearings. Full budget details can be found in Table 4, in the Appendix on page 6.

The Board has an Executive Secretary who is an employee of the Department of Advanced Education, Skills and Labour. 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 client or a provincially-funded employment support client is a request for an internal review. These reviews are completed by departmental employees and are outside the mandate of the Board. During 2017-18, a total of 478 applications were received for internal review. Eighty-eight of these were resolved informally, 38 were cancelled, and 251 elected not to proceed further. The second formal level of appeal is a request for an appeal hearing with the Board. The remaining 101 applications came forward in 2017-18 for a formal appeal. There were 62 hearings this fiscal year. The Executive Secretary also coordinated work for the other 39 hearings which were either postponed, resolved, or clients chose not to proceed. The number of applications decreased and hearings increased from the previous year, when 105 applications came forward, with 45 hearings held in 2016-17.

Board hearings are typically scheduled for every three weeks with appellants generally joining via teleconference (Note: an in-person appeal is possible upon request). In 2017-18, the average waiting period for a hearing was 20 calendar days.

There were no applications for appeal with respect to eligibility for benefits under the Newfoundland and Labrador Prescription Drug Program during 2017-18.

Report on Performance

The Income and Employment Support Appeal Board Activity Plan for 2017-20 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, 2018, the Board will have continued to demonstrate ongoing adherence to legislative timeframes pertaining to the appeal process.

Indicator 1: 100 per cent of hearings are scheduled within thirty days of receiving an application.

Results: All 62 applications that were accepted for appeal were scheduled for a hearing within a thirty day period.

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

Results: All 62 appellants and relevant parties received notification at least seven days prior to a hearing.

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

Results: All 62 decisions were communicated to relevant parties within five days of the conclusion of the hearing.

The objective and indicators stated above will apply to the 2018-19 and 2019-20 fiscal years and will be reported on in the relevant annual reports. During 2017-18, the Board provided an efficient appeal service that responded to the needs of the people of Newfoundland and Labrador.

Appendix

The following tables provide a comparison of Appeal Board hearing statistics by fiscal year, region and type of appeal, as well as an overview of the Appeal Board's budget and expenditures.

Appeals 5-Year Totals: 2013-14 to 2017-18

Table 1: Appeals Heard	
2013-14	56
2014-15	46
2015-16	39
2016-17	45
2017-18	62

Appeals by Region: 2017-18

Table 2: Appeals Heard by Region 2017-18				
Region	Upheld	Overturned	Total	% Upheld
Eastern	36	3	39	92%
Western	20	3	23	87%
TOTAL	56	6	62	90%

Result of Appeals: 2017-18

Table 3: Result of Appeals 2017-18					
Type of Appeal	Eastern		Western		Total
	Upheld	Overtured	Upheld	Overtured	
Income Support Entitlement	3	-	-	1	4
Non-eligibility	8	-	4	1	13
Suspension	10	-	4	-	14
Overpayment	12	-	4	-	16
Furniture Items	-	1	2	-	3
Special Needs	1	1	-	-	2
Medical Transportation	1	1	4	-	6
Vision Care	1	-	1	-	2
Burial	-	-	-	1	1
Health Related	-	-	1	-	1
TOTAL	36	3	20	3	62

Appeal Board Budget and Expenditures: 2017-18

Table 4: Budget and Expenditures 2017-18		
Category	Budget	Expenditures
Salaries	\$58,400	\$57,211
Transportation and Communications	\$12,500	\$9,677
Professional Services	\$19,800	\$21,475
Purchased Services	\$1,000	\$0
Supplies	\$500	\$0
Total	\$92,200	\$88,363