

**Chapter 12: Reviews and Appeals**

**Intent:** To provide clarification on the Appeal Process when a client does not agree with a decision that has been made concerning his/her Income and Employment Support Benefits. These decisions are usually made by a Client Services Officer, Social Worker or Client Services Manager.

**Act:** N/A  
(if applicable)

**Regulations:** **Request for internal review**

**55.** (1) An applicant or recipient may request that a decision of an officer be reviewed by an officer or officers appointed by the minister to perform an internal review.

(2) A request under subsection (1) shall be in writing.

**Internal review**

**56.** (1) An internal review shall be performed in the time period referred to in subsection 41(5) of the Act and the outcome of an internal review shall be communicated to the applicant or recipient in the time period referred to in that subsection.

(2) A communication referred to in subsection (1) shall include

- (a) the reasons for the finding or decision;
- (b) a notice specifying the right of appeal to the appeal board;
- (c) the time within which the right of appeal may be exercised;
- (d) the appeal procedure;
- (e) the manner in which an appeal may be conducted; and
- (f) that the applicant or recipient may access his or her appeal file in anticipation of the appeal, including any record of the appeal.

**Appeal to the appeal board**

	<p><b>57.</b> An applicant or a recipient aggrieved by the outcome of an internal review may, in writing, appeal that outcome to the appeal board under section 43 of the Act in the time period referred to in that section.</p> <p><b>Board practice and procedure</b></p> <p><b>58.</b> The board may set its policy and procedure but it shall, at all times,</p> <p>(a) receive sworn evidence in relation to an appeal; and</p> <p>(b) give clear reasons, in writing, for its decisions.</p>
<p><b>Overview:</b> (if applicable)</p>	<p>N/A</p>
<p><b>Policy:</b></p>	<p><b>(i) General</b></p> <ul style="list-style-type: none"> <li>• A person who applies for or receives Income and Employment Support benefits has the right to have any decision made by a worker or manager reviewed, if dissatisfied with the decision. This applies to a denial of an application for Income and Employment Supports or request for a particular service. Any decision made by a worker with respect to the granting, refusal, suspension, discontinuation, reduction, resumption, or amount of Income and Employment Support benefits can be appealed. The person may request an internal review and appeal personally or give written consent for a duly authorized representative to review/appeal on his/her behalf.</li> <li>• There are currently three levels of Review/Appeal which include: <ul style="list-style-type: none"> <li>○ Manager Review</li> <li>○ Internal Review Committee</li> <li>○ Appeal Board Hearing</li> </ul> </li> </ul>

**Procedure:**

- The worker must ensure that the dissatisfied client is given a full explanation of the decision. They should advise the client, in writing, of the decision made when Income and Employment Support benefits are denied, reduced or suspended or when a request for special needs or additional benefits is denied.

**(ii) First Level: Client Service Manager Review**

- Upon request from the client for a review of a decision, the Client Services Manager (CSM) will review the details of the particular decision and has the authority to uphold or change a decision in accordance with the Income and Employment Support Act, Regulations and policy.
- Upon the completion of the review by the CSM, the decision to support or overturn the decision of the worker must be communicated to the client. Where the original decision is upheld, the reason for this decision is to be provided to the client, as well as information on the next level of appeal – the Internal Review. The client should be advised that a written request for an Internal Review is required within 60 days of receiving the decision.

**(iii) Second Level: The Internal Review**

- The Internal Review Committee is the first formal level of appeal. The client must make a written request for an Internal Review. This request must be made within 60 days of being notified of a decision. Applications received after 60 days shall not be accepted.
  - The Internal Review will consist of an examination of written documentation and may include direct contact with the client. The Review will be completed by the Regional Enquiries Coordinator in consultation with a Regional Manager. These employees would not have been involved in the original decision.
  - The Internal Review shall be performed no longer than 15 days after the receipt of the appeal. The Review may result in the change or confirmation of the decision based on the Income and Employment Support Act, Regulations and
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related policy.

- The results of an internal review will be communicated in writing, clearly outlining the reason(s) for the decision, to the client within five business days of being decided. The client is considered to have received the written outcome within seven business days. The client must be advised of their right to make a written appeal to the Appeal Board within 60 days from the date of notification. A copy of the decision will be forwarded to the appropriate Regional Manager and the Executive Secretary of the Appeal Board.
- The compilation of the reports as a result of the Review, is completed by a Regional Enquiries Coordinator.

#### **(iv) Third level: The Appeal Board**

- As the second formal level of appeal, the Appeal Board is an independent body of three people who are not employed by the Provincial Government, but are appointed by the Lieutenant-Governor in Council.
  - The Appeal Board will accept a written request for an appeal from dissatisfied clients or their representatives, up to sixty days from the date of receipt of the outcome of an internal review. The Executive Secretary of the board will have received all documentation pertaining to the internal review from the applicable regional office. Further information may be requested from the local office if necessary.
  - The Executive Secretary will prepare the case and arrange for a hearing within 30 days. Arrangements are made for the client to participate via telephone from their home in most cases. Where clients request an 'in person' hearing, this can be arranged and the Department will provide funding for transportation to the hearing.
  - A notification of hearing is communicated to all relevant parties seven days prior to hearing.
  - During the hearing the client/representative, Regional Enquiries Coordinator/departmental representative and the
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Appeal Board members will participate.

- The Appeal Board will not render its decision at the end of the hearing. Instead, the Executive Secretary will issue a written “notice of decision” stating clear reasons, in writing, for this decision to the client within one week. Copies will be sent to the Appeal Board members, the Director of Income or Employment Support, the Regional Director, Regional Program Manager and other relevant parties.
- If the client does not agree with the Board’s decision, then the matter can be taken to the Supreme Court of Newfoundland – General Division. The client should be advised to seek the assistance of a lawyer if this option is to be pursued.

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**Authority Level:** Client Services Officer

Client Services Manager – Internal reviews

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**Date revised:** February 19, 2019

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