

# **Income and Employment Support Appeal Board**

**Activity Report 2016-17**

September 29, 2017

Honourable Al Hawkins  
Minister  
Department of Advanced Education, Skills and Labour  
P.O. Box 8700  
St. John's, NL  
A1B 4J6

Dear Minister Hawkins:

I am pleased to submit the Income and Employment Support Appeal Board Activity Report for 2016-17. This report reflects the activity for the third year of the 2014-17 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 third year of the Activity Plan.

This report covers the period April 1, 2016 to March 31, 2017. 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 'J. Greene', with a long horizontal flourish extending to the right.

Joseph Greene  
Chairperson

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# Overview

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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 2016-17 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 2016-17 were approximately \$77,850 compared to \$97,500 in 2015-16. The Board reduced expenditures this fiscal year as a result of reduced travel and operating costs. 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 2016-17, a total of 546 applications were received for internal review. One hundred and seven of these were resolved informally, seven were cancelled, and 327 elected not to proceed further.

The second formal level of appeal is a request for an appeal hearing with the Board. One hundred and five applications came forward in 2016-17 for a formal appeal. There were 45 hearings this fiscal year. The Executive Secretary also coordinated work for the other 60 hearings which were either postponed, resolved, or clients chose not to proceed. The number of applications increased and hearings increased from the previous year, when 95 applications came forward, with 39 hearings held in 2015-16.

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 2016-17, 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 2016-17.

# Activities

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The Income and Employment Support Appeal Board Activity Plan for 2014-17 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 third 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, 2017, the Board will have continued to demonstrate ongoing adherence to legislative timeframes pertaining to the appeal process.

**Measure:** Continued to demonstrate ongoing adherence to legislative timeframes pertaining to the appeal process.

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

**Results:** All 45 applications that were accepted for appeal were scheduled within a thirty day period.

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

**Results:** All 45 appellants and relevant parties received notification at least seven days prior to a hearing.

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

**Results:** All 45 decisions were communicated to relevant parties within five days of the conclusion of the hearing.

The 2016-17 activity report marks the end of the current planning cycle for fiscal years 2014-15, 2015-16, and 2016-17. The Board accepted 130 applications which resulted in an appeal hearing. All 130 applications that were accepted had their appeal hearing scheduled within thirty days of receiving their application. All 130 appellants and relevant parties received notification of the hearing at least seven days prior to the hearing. All 130 decisions were communicated to relevant parties within five days of the conclusion of the hearing. During this period the Board provided an efficient appeal service that responds to the needs of the people of Newfoundland and Labrador.

# Appendix

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The following three tables provide a comparison of Appeal Board Hearing statistics by fiscal year, region and type of appeal.

## Appeals 5-Year Totals: (2012-13 to 2016-17)

Table 1: Appeals Heard	
2012-13	51
2013-14	56
2014-15	46
2015-16	39
2016-17	45

## Appeals by Region: 2016-17

Table 2: Appeals Heard - April 1, 2016 - March 31, 2017				
Region	Upheld	Overtured	Total	% Upheld
Eastern	23	1	24	96%
Western	18	3	21	86%
<b>TOTAL</b>	<b>41</b>	<b>4</b>	<b>45</b>	<b>91%</b>

### Appeals by Type: 2016-17

Type of Appeal	Eastern		Western		Total
	Upheld	Overtured	Upheld	Overtured	
Income Support Entitlement	1	-	3	1	5
Non-eligibility	2	-	4	1	7
Suspension	5	-	1	-	6
Overpayment	8	-	3	-	11
Furniture Items	-	-	-	-	-
Employment Supports*	-	-	-	-	0
Labour Market Agreement for Persons with Disabilities	-	-	1	-	1
Special Needs	-	-	1	-	1
Medical Transportation	5	1	4	1	11
Vision Care	1	-	-	-	1
Burial	1	-	-	-	1
Health Related	-	-	1	-	1
<b>TOTAL</b>	<b>23</b>	<b>1</b>	<b>18</b>	<b>3</b>	<b>45</b>

\*Previously referenced as Career Employment and Youth Services, includes employment supports solely funded by the Government of Newfoundland and Labrador.

### Appeal Board Budget and Expenditures: 2016-17

Table 4: Budget and Expenditures: 2016-17		
Category	Budget	Expenditures
Salaries	\$58,400	\$57,490
Transportation and Communications	\$20,500	\$7,255
Professional Services	\$30,000	\$13,105
Purchased Services	\$1,000	\$0
Supplies	\$500	\$0
<b>Total</b>	<b>\$110,400</b>	<b>\$77,850</b>