

Income and Employment Support Appeal Board

Annual Report 2023-24

Chairperson's Message

Hon. Paul A. Pike
Minister
Department of Children, Seniors and Social Development
P.O. Box 8700
St. John's, NL
A1B 4J6

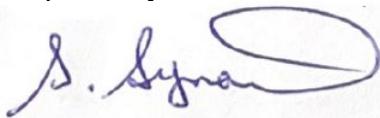
Dear Minister Pike:

I am pleased to submit the Income and Employment Support Appeal Board Annual Report for 2023-24, which covers the period of April 1, 2023, to March 31, 2024. The Board has been identified as a Category 3 Provincial Government entity and has prepared this annual activity report in accordance with the requirements under the **Transparency and Accountability Act**. This report reflects the activity for the first year of the 2023-26 Activity Plan.

The Board is primarily governed by the **Income and Employment Support Act** and 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.

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 blue ink, appearing to read "S. Synard", is enclosed within a blue oval.

Sam Synard
Chairperson

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Overview

The **Income and Employment Support Act** (the 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 the Income Support program, as well as eligibility for employment supports funded by the Provincial Government. The Board is primarily governed by the Act; however, it is also responsible, where appropriate, for appeals relating to the **Health and Community Services Act** or **Pharmaceutical Services Act**.

The Board is comprised of a Chair, Vice-Chair and a Member, one of whom must be a current or former recipient of income or employment support. Three alternate members are also appointed, one of whom must also be a current or former recipient of income or employment support. Each member is appointed for a three-year term by the Lieutenant-Governor in Council and is eligible for re-appointment.

As of March 31, 2024, the members of the Income and Employment Support Appeal Board were:

- Sam Synard, Chair
- Brittany Keating, Vice-Chair
- Gail Hickey, Member
- Bernice Pritchett, Alternate Member
- Jeannette Lundrigan, Alternate Member
- Vickie Morgan, Alternate Member

Members are appointed from the general public through the merit-based process for agencies, boards and commissions' appointments through the Public Service Commission.

Board members receive remuneration in accordance with Provincial Government and Treasury Board guidelines and policies. The remuneration, travel expenses and costs associated with the work of the Board are included in the budget of the Department of Children, Seniors and Social Development (CSSD), under General Administration. In 2023-24, the Appeal Board's total expenses, including remuneration, travel and other related expenses, were \$25,756.81.

The Board has an Executive Secretary who is an employee of the Department of Children, Seniors and Social Development. This position provides program and administrative support to the Chair and members, to enable the Board to deal promptly and effectively with all appeals. 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 employees of CSSD and are outside the mandate of the Board. During 2023-24, the department received a total of 332 applications for Internal Review. During the Internal Review process, 40 of these cases were formally resolved, six were overturned, 74 were not heard (the appellant withdrew, or the request was submitted outside the 60-day timeframe), and 212 cases were upheld (179 of these cases chose not to proceed further for an appeal).

The second formal level of appeal is a request for an appeal hearing with the Board. Thirty-three cases came forward in 2023-24 for a formal appeal. There were 26 appeal hearings throughout this fiscal year (see Table 2 below for a breakdown of these appeals by region and outcome). The Executive Secretary also coordinated work for the other seven appeals; however, these appeals were either resolved, cancelled, or clients chose not to proceed. Appellants cancel their appeals for various reasons, including changes to appellants' circumstances or acceptance of the department's decision by the appellant. The number of applications received in 2023-24 decreased by 36.5 per cent from the 52 applications that came forward in 2022-23.

Table 2: Appeals Heard by Region – 2023-24

Appeals Heard by Region 2023-24				
Region	Upheld	Overturned	Total	% Upheld
Eastern	15	2	17	88%
Western	8	1	9	89%
TOTAL	23	3	26	88%

Board hearings are typically scheduled every three to four weeks with board members meeting in-person, and the appellants joining via teleconference. An in-person appeal may be possible upon request by the appellant. In 2023-24, the average waiting period for a hearing was 18-20 business days.

There were no applications for appeal with respect to eligibility for benefits under the Newfoundland and Labrador Prescription Drug Program during 2023-24.

Vision

The residents of Newfoundland and Labrador are treated in a fair and timely manner to ensure the maximum entitlement allowable under the applicable legislation.

Mandate

The Income and Employment Support Appeal Board hears appeals and makes decisions on behalf of a person who is dissatisfied with the outcome of an Internal Review of a decision relating to the **Income and Employment Support Act**. Where appropriate, appeals are also heard relating to the **Health and Community Services Act** or **Pharmaceutical Services Act**.

Lines of Business

The Board administers one line of business, which is to deliver an appeal as outlined below:

Appeal Board Process

Those who are dissatisfied with the Internal Review outcome (the first level of an appeal) may proceed to the second formal level of appeal, which is requesting an appeal hearing with the Board. Applicants must submit an Application for Appeal in writing to the Board within 60 days from the date of the Internal Review decision letter. Appeals must be heard within 30 days of receipt of the appellant's application and are generally conducted via teleconference. Board hearings are typically scheduled every three to four weeks.

Additional information regarding the appeal process can be found at
<https://www.gov.nl.ca/cssd/the-appeal-process/>.

Report on Performance

The Income and Employment Support Appeal Board Activity Plan 2023-26 identified the below objective to assist both the Board and the public in monitoring and evaluating success of the Activity Plan. Throughout the 2023-24 fiscal year, the Board ensured the efficient and timely administration of the provincial income and employment support appeal process. The Board was successful in meeting all of its performance objectives during the first year of the Activity Plan.

Objective: By March 31, 2024, the Board will have continued to demonstrate ongoing adherence to legislative timeframes pertaining to the appeal process.

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

Results: In 2023-24, all 26 applications that were accepted for appeal were scheduled for a hearing within a 30-day period.

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

Results: In 2023-24, all 26 appellants and relevant parties were contacted via telephone to confirm dates and times of hearings in advance of receiving their written notification seven days prior to the hearing.

Indicator 3: One hundred per cent of decisions are communicated to the relevant parties within five days of the conclusion of the hearing.

Results: In 2023-24, all 26 decisions were communicated to relevant parties within five business days of the Board's decision.

The 2023-24 Annual Report marks the first year of the planning cycle for the 2023-2026 Activity Plan. The Board accepted 33 applications, 26 of which resulted in an appeal hearing. All hearings were scheduled within 30 days of receiving the application. All 26 appellants, and relevant parties, received notification of the hearing at least seven days prior to the hearing. All 26 decisions were communicated to relevant parties within five business days of the Board's decision. During this period, the Board met its objective of ongoing adherence to appeal process timeframes.

Opportunities and Challenges

Board members resumed in-person meetings while the appellants joined via teleconference, as this has been normal practice in the past. However, two out of 10 appeal hearing meetings were held via teleconference by the Board members and the appellant. This resulted in travel cost savings and did not have any impact on operations.

In 2024-25, the Board will seek to reduce the number of in-person meetings for board members, if possible and practical to do so. This has proven not to impact service delivery but provide cost savings.

Financial Statements

The Income and Employment Support Appeal Board is not required to submit audited financial statements.