

The Appeal Process

The Department has an appeal process to ensure that anyone who receives or requests support is given the opportunity to have their circumstances reviewed. The following describes the steps to take if you are not satisfied with any decision made by an employee of the Department.

Step 1 - Consult the Client Services Officer Manager

You should always speak with a Manager before submitting an Application for Review. If you are dissatisfied with the decision a worker has made, the manager can review the decision at your request. The issue may be resolved at this level. However, if it is not, then you should proceed with Step Two - The First Formal Level of Appeal.

Step 2 - The First Formal Level of Appeal - The Internal Review

If you do not agree with the decision of the Manager, you can forward an Application for Review to the Regional Office to request an Internal Review within 60 days of the initial decision. Applications received after 60 days shall not be accepted.

You should submit all relevant information with your Application for Review for consideration during the Internal Review. The Internal Review will consist of an examination of written documentation, but may include direct contact with you via telephone. Staff conducting the Internal Review will be employed by this Department but shall not have been involved in the decision you are appealing.

An Internal Review shall be performed within 15 days of receipt of your Application for Review by the Regional Office. A written response shall be mailed to you within five business days of a decision.

Step 3 - The Second Formal Level of Appeal - The Income and Employment Support Appeal Board

If you are not satisfied with the decision of the Internal Review you can appeal to the Income and Employment Support Appeal Board. To do this you must forward an Application for Appeal to the Executive Secretary of the Board.

The following are some commonly asked questions, and answers, concerning the process of your Second Level of Appeal.

How much time do I have to make an appeal to the Appeal Board?

You have 60 days from the date of the Internal Review to appeal, in writing, to the Appeal Board. Appeals received after 60 days shall not be considered.

What can I appeal to the Appeal Board?

In all cases, decisions made by a worker or Manager must first undergo an Internal Review. If you are not satisfied with the decision of the Internal Review then you can appeal that decision to the Appeal Board. Only decisions confirmed by an Internal Review can be appealed to the Appeal Board.

Who are the Appeal Board members?

Members are not employees of the provincial government. The Board is made up of people from the community, appointed by government, with one member being a former or current recipient of Income or Employment Support. An Advanced Education and Skills employee serves as the Executive Secretary to the Board but is not involved in decision making.

When will I receive notification from the Appeal Board about my appeal?

The Executive Secretary of the Appeal Board will let you know when the Board has received your Application for Appeal. The person or persons who conducted the Internal Review will send all written information about your case to the Appeal Board. Your hearing will be held within 30 days of the Board receiving your request. You will receive a written notice with the date and time of the Hearing at least seven days before. If you have to travel, the Department can arrange to pay these costs after the Hearing.

What will happen at the Appeal?

At the Appeal Hearing you will be asked questions and provided with an opportunity to state your case. If you believe that another person, friend or relative, can help you present your appeal, you can ask him or her to come with you.

If you plan to have a lawyer present, you must inform the Board of this, in writing, at least one week before the hearing so the Department has the option to have a lawyer present to act on its behalf. Failure to give proper notice may result in your Hearing being postponed.

If you need to cancel or postpone your Hearing please inform the Executive Secretary of the Board immediately. You can do this by phone at (709) 729-2479 (collect calls will be accepted), or by mail if there is enough time. You must inform the Board if you want to cancel or delay your Hearing. If you do not, the Board will hear the case without you, and make a decision based only on the information they have.

When will I be notified of the Appeal Board's decision?

You will not be given a decision at the end of the Hearing. The Board will send you a written decision within five days after a decision is made.

What can I do if I am dissatisfied with the Appeal Board's decision? If you do not agree with the Appeal Board's decision you may take the matter to the Supreme Court of Newfoundland and Labrador, Trial Division. It would be advisable to have a lawyer assist you.