

- » Your submission will be reviewed and a decision made by either a Regional Reconsideration Adjudicator or a Health Reconsideration Officer. This decision will be made and mailed to you within ten business days or, where a person consents to an extension granted by the ministry, within 20 business days of the ministry receiving the completed Request for Reconsideration form.

Step 2–The Employment and Assistance Appeal Tribunal

If you disagree with a reconsideration decision, you may appeal to the Tribunal. Reconsideration decisions that refuse, reduce or discontinue monthly assistance, hardship assistance and/or a supplement that are issued under the *Employment and Assistance Act* and the *Employment and Assistance for Persons with Disabilities Act* may be appealed. The Tribunal will decide whether the ministry reasonably applied the legislation and whether the ministry decision was reasonably supported by the evidence submitted.

Appeal Process

- » To appeal you must send in a completed Notice of Appeal form to the Tribunal within seven business days of receiving notice of the reconsideration decision, or you will be legally deemed to have accepted the ministry decision and you may not be permitted to file an appeal after that date.

- » Once the Tribunal has received your completed Notice of Appeal, an oral hearing will normally take place within 15 business days. The Tribunal Chair will appoint a panel of up to three members to hear your appeal. Once a panel is selected, the Tribunal will notify you and the ministry of the date, time and place of the hearing. If you are not able to attend in person you will need to contact the Tribunal to make alternate arrangements.
- » The panel will review the reconsideration decision, along with the information and documentation used to make this decision and any supporting oral or written testimony provided by either you or the ministry.
- » You are responsible for presenting your side of the case at the hearing. You will only be permitted to speak to and address the information or documentation that was before the ministry at the time of reconsideration and to present oral or written testimony in support of that information. No new evidence can be introduced at a hearing.
- » At the hearing, the panel will determine if the ministry reasonably applied the relevant acts and regulations and whether the ministry's reconsideration decision was reasonably supported by the evidence. The panel must either confirm or rescind the ministry's reconsideration decision.

- » A ministry representative attends the hearing to represent the ministry and does not attend in a decision-making capacity. In most circumstances the local Supervisor is designated. However, another ministry worker may represent the ministry at the hearing.
- » The panel will hear your case and a majority decision will normally be made within five business days of the hearing. The Tribunal will send you and the ministry a copy of the written decision of the panel within five business days of it being received by the Tribunal.

For More Information

Contact the Ministry of Housing and Social Development by calling toll-free:

1 866 866-0800

or visit the ministry website at:

www.hsd.gov.bc.ca



Reconsideration and Appeals



Ministry of
Housing and
Social Development

People who apply for or receive assistance under the BC Employment and Assistance Program have a right to quality service, fair access to programs and transparent decision-making.

Your Right to Reconsideration and Appeal

The Ministry of Housing and Social Development recognizes that assistance is a sensitive issue and differences of opinion may arise. If you feel that a decision resulting in a refusal, reduction or discontinuance of your assistance or concerning the conditions of, or non-compliance with, an employment plan is wrong, you may request a review of that decision. You are encouraged to first discuss the issue with an Employment and Assistance Worker (EAW). Should you and the worker disagree, you are encouraged to then speak to the office Supervisor about the matter. If your situation has still not been resolved, you are encouraged to speak with a Service Quality Manager. You may request a reconsideration should you be unable to find a solution. The reconsideration decision is the final ministry decision. If you still disagree, you may appeal the reconsideration decision to the Employment and Assistance Appeal Tribunal.

The Employment and Assistance Appeal Tribunal (the Tribunal) is an independent, arms-length body that is responsible for the overall management and administration of the appeal process.

What is a Reconsideration or Appeal Supplement?

If you are receiving income assistance, disability assistance, or a supplement, you may be eligible to receive a reconsideration or an appeal supplement while you are awaiting the outcome of a reconsideration or appeal. You will be required to sign a Promise to Repay form. If the final decision is in your favour, you do not have to repay the reconsideration or appeal supplement. However, if the final decision is in favour of the ministry, you will be required to repay the reconsideration or appeal supplement.

Overview of the Reconsideration and Appeal Process

When making decisions about an individual's eligibility and entitlement, ministry staff are bound by the provisions of the legislation and regulations that govern the BC Employment and Assistance Program.

Deadlines are important, so remember to keep a record of the dates you submit your paperwork and Request for Reconsideration form. (See Step-by-Step Instructions)

How the Process Works

Reconsideration

The reconsideration process has been established to provide clients with an opportunity to have the ministry's original decision reconsidered. The reconsideration decision is a new and final ministry decision and is, therefore, the client's final opportunity to submit new evidence.

A decision that results in the refusal, reduction or discontinuance of assistance including non-compliance with an employment plan or a supplement can be reconsidered. A supplement under the legislation can include a health supplement, a nutritional supplement and a crisis supplement for emergencies.

There are some decisions that cannot be reconsidered, for example, service quality issues or where there are disagreements about administrative practices, such as the method of cheque pick-up or a request for a different EAW. However, such concerns should be identified to the Supervisor and every effort will be made to resolve these issues at your local Employment and Assistance office.

Step-by-Step Instructions

Step 1–Reconsideration

- » You can request a reconsideration of a ministry decision by obtaining and completing a Request for Reconsideration form. You can obtain this form at your local Employment and Assistance office.
- » Advise an EAW that you wish to seek reconsideration of a ministry decision. The worker will complete sections 1 and 2 of the Request for Reconsideration form, stating the decision made by the ministry, providing all of the reasons for the decision and citing the legislation under which the decision was made.
- » You must complete sections 3 and 4 of the Request for Reconsideration form. You may include additional documentation or information with your Request for Reconsideration form that you feel may be in support of, or is relevant to, your case. No new evidence can be submitted after a reconsideration decision has been made and mailed.
- » You have 20 business days from the date you were notified of the ministry's original decision to return your Request for Reconsideration to a local Employment and Assistance office. Remember to keep a record of the date you were notified of the ministry's original decision and the date you submit your Request for Reconsideration form. If you require assistance in completing the Request for Reconsideration form, you may wish to ask an advocate to assist you.