

## Appeal Time-Lines



## Appealing a Ministry Decision

You have the right to appeal almost any denial, discontinuation or reduction of a benefit from the Ministry of Social Development and Social Innovation [the Ministry]. What is not open to appeal is the requirement to enter into, or changing the conditions of an employment plan or a request for training or training monies. Some decisions are made by your worker, like whether to issue a crisis supplement, while medical or disability related requests are made in Victoria by the Health Assistance Branch.

### First Level of Appeal – A Reconsideration Request

At the first level of appeal, when preparing a “request for reconsideration” this is the time to add any additional information or evidence that you believe supports your case or argument.

If the 20-day time limit has passed, you are not able to submit your appeal package – so be sure to get it in on or before 4:30 on the 20<sup>th</sup> business day (not including statutory holidays) or submit an extension request (10 extra days). When submitting your appeal package include any new information or evidence in your case you can obtain. You cannot submit new evidence at the tribunal stage although the tribunal will review new documentation if it is supporting information about the information already submitted.

### 2<sup>nd</sup> Level of Appeal - Tribunal

A tribunal is an informal hearing made up of one to three individuals that do not work for the Ministry. You get to choose what type of tribunal you would like to have. Your choices are: in person (you physically attend), a written appeal or a teleconference.

If you choose to have an oral (in person) tribunal it is usually held in a boardroom in a location away from the welfare office but in your local area. An in person is recommended because the tribunal panel can ask you questions and clarify your information. More importantly, you can see how the panel is responding to your information.

For the tribunal, it is important you understand why you were denied so you can tell the tribunal how the Ministry was “unreasonable” in the decision they made and present the evidence demonstrating the unreasonableness of the decision or provide the supporting information and evidence as to why you should be eligible.

In the hearing, you will be first to present. The tribunal members will likely ask you questions. The Ministry will then present why they made the decision they did. Again the tribunal members may ask questions. And you also can ask the Ministry questions. As the tribunal wraps up you may also add anything you feel is important for the tribunal to know and it is good to summarize the strongest points of why the tribunal panel should find in your favour. Once the tribunal is completed, the panel members stay behind and make their decision.

If you chose a written appeal the time-lines are different. You still need to request the tribunal within 7 days but the Employment and Assistance Appeals Tribunal Board will write you back with the date your submission needs to be submitted by. A written tribunal tends to take longer but is good in cases where the evidence is complicated.

Regardless of which option you choose for tribunal, after the tribunal you will receive a written decision in the mail in approximately one to two weeks. The decision is final unless the decision is flawed in the application of the law. Then there is a possibility of judicial review. At that point you would need to consult a lawyer.

### Appeal Supplement – Affording to Appeal

If you are on assistance and have been discontinued or denied your cheque, you can ask for an appeal supplement during the appeal process. It is equivalent to the amount you would have received. If your appeal is successful it goes in place of the money you didn't receive when you were denied the benefits. If your appeal is unsuccessful – it is a repayable benefit to the Ministry. To get an appeal supplement ask the Ministry when submitting your Reconsideration Request (you can ask for it before your deadline if you will be unable to pay your rent before your deadline by submitting your appeal package requesting it but noting you will be submitting more information and evidence before your deadline to appeal.)

### Get Organized – Preparation for an Appeal

Reconsideration Check List	
Appeal Deadline:	_____
To Do:	_____
<input type="checkbox"/>	Go to doctor for additional medical information.
<input type="checkbox"/>	Gather information and evidence from other sources.
<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Get a date-stamped photocopy of every page of the appeal package you have submitted to the Ministry.

### Levels of Appeal

