

Employment and Assistance Appeal Tribunal



Annual Report 2009/10

Accessible

Our staff in Victoria



December 2010

Honourable Kevin Krueger
Minister of Social Development

Dear Minister:

It is my pleasure to present the annual report for the Employment and Assistance Appeal Tribunal covering the period October 1, 2009 to September 30, 2010. The report has been prepared in accordance with section 20(1) of the *Employment and Assistance Act*.



Marilyn R. McNamara
Chair, Employment and Assistance Appeal Tribunal





Contents

Message from the Chair	01
<hr/>	
1. Who We Are and What We Do	03
The Tribunal	
Tribunal Members	
The Appeal Process	
<hr/>	
2. If You Want To Appeal	09
Type of Hearing	
After the Hearing	
<hr/>	
3. How We Did in 2009/10	10
Notices of Appeal Received	
Appeal Outcomes	
Tribunal Members	
<hr/>	
4. What Our Decisions Look Like	14
CASE 1: Moving Supplement	
CASE 2: Assets in Excess	
CASE 3: Child Care Subsidy	
<hr/>	
5. Looking Ahead	19
<hr/>	
Glossary	20
<hr/>	
Appendix A: Tribunal Staff	21
<hr/>	
Appendix B: Tribunal Members	22
<hr/>	
Appendix C: Budget	24
<hr/>	
How To Contact Us	25
<hr/>	

Our Mission

The mission of the Employment and Assistance Appeal Tribunal is to provide an independent and accessible appeal process that delivers timely and fair decisions reviewing Ministry of Social Development determinations in regards to the employment and assistance program, and Ministry of Children and Family Development determinations in regards to the child care subsidy program.





Message from the Chair

It is a pleasure to present the eighth annual report of the Employment and Assistance Appeal Tribunal.

For this reporting period, the Tribunal reported to the Honourable Rich Coleman, Minister of Housing and Social Development. As of October 25, 2010, the Tribunal reports to the Honourable Kevin Krueger, Minister of Social Development.

The Tribunal provides a readily accessible appeal process that quickly resolves questions of entitlement to assistance and offers in person community based appeal hearings throughout British Columbia. Even though the number of appeals increased during a time of fiscal restraint, we were successful in holding 99.6% of the hearings within 15 business days of receiving a Notice of Appeal and we stayed within budget.

Our success was not from any one action: less than three members were appointed to hear appeals; internal reorganization increased the number of staff dealing with appeals; technology was utilized to reduce costs for training and travel; training programs were developed internally and completed by candidates and members at their homes; relocating the office reduced lease costs; and, crucial to our success, the efforts of dedicated staff and members.

The Candidate Training and Testing Package was developed to enable members of the public to acquire and demonstrate prescribed knowledge and skills, facilitating recruitment from a broader sector of the community. It also enhanced the efficiency of the application process.

The quality of decision writing has improved greatly; all decisions are now posted to the web as a resource to parties and members.

However, in *Hudson v. British Columbia (Employment and Assistance Appeal Tribunal)*, 2009 BCSC 1461, the court found the panel could have been more clear in identifying facts relied upon in reaching their determination. A Decision Writing Training Module that incorporates “findings of fact” has been completed, which addresses this change in decision writing.

Unique training/testing modules have been developed to address our specific needs from receipt of a candidate’s application through to the provision of decision writing training. Combined with the mentor system and performance reviews, this is an efficient and cost effective system that supports the provision of a fair, caring and ethical appeal process.

The Tribunal also strives to ensure that the hearing process is accessible, one where parties are able to attend and present their case. To support this goal, the application and other processes were simplified by reviewing both the structure and the language of the forms used. Two brochures were developed to provide the appellant with the right information at the right time. Videos of the hearing process were placed on the website to familiarize parties with the hearing process. The informal hearing also contributes to accessibility by providing the parties to an appeal an opportunity to present their case.

I would like to thank staff and members for their diligence and their willingness to make that extra effort to ensure the hearing process is accessible. Thanks to you, we are able to provide an excellent service to the people of British Columbia.

Our Vision

The Employment and Assistance Appeal Tribunal will be known for:

- Providing an accessible, independent, community-based, fair, timely, caring and ethical appeal process to hear appellants' disagreements with decisions of the Ministry of Social Development in regards to the employment and assistance program and the Ministry of Children and Family Development in regards to the child care subsidy program.
- Supporting members to provide quality service to promote public confidence in the integrity and competency of the Tribunal.
- Creating a healthy work environment that supports staff to provide quality service and to continually learn and develop knowledge, skills and expertise.



1. Who We Are and What We Do

The Employment and Assistance Appeal Tribunal

The Tribunal was established on September 30, 2002 to hear appeals of most types of decisions made by the Ministry of Social Development under the employment and assistance program. Since 2006, the Tribunal also hears appeals of decisions made by the Ministry of Children and Family Development under the child care subsidy program. The Tribunal provides a streamlined and efficient one-step appeal process, and is independent of both ministries.

The Tribunal consists of a Chair, 13 staff, and currently, 169 members located throughout the province. (See Appendix A for a list of staff and Appendix B for a list of members).

The Employment and Assistance Appeal Tribunal hears appeals of reconsideration decisions that refuse, reduce or discontinue income, disability assistance or a supplement; decisions regarding the amount of a supplement; and decisions that refuse to grant hardship assistance under:

- Section 17 of the *Employment and Assistance Act*, and
- Section 16 of the *Employment and Assistance for Persons with Disabilities Act*.

The Tribunal also hears appeals of reconsideration decisions that refuse, reduce or discontinue a subsidy under:

- Section 6 of the *Child Care Subsidy Act*.

Tribunal Members

Members are appointed by the Minister of Social Development after a merit-based process and on consultation with the Chair. To be considered for appointment to the Tribunal, candidates must have:

- an understanding of the essential elements of the conduct of a fair and objective hearing
- an understanding of the key aspects of the *Employment and Assistance Act*, the *Employment and Assistance for Persons with Disabilities Act*, the *Child Care Subsidy Act*, and the regulations relevant to these Acts
- an ability to interpret and apply legislation
- analytical, decision making and decision writing skills
- an ability to listen and communicate clearly and effectively
- conflict resolution skills and a proven ability to work well in group settings
- a commitment to respect diversity, and
- computer literacy.

In addition, to ensure independence and that hearings are fair and just, a member must not:

- be or have been an employee of the Ministry of Social Development or the Ministry of Children and Family Development for the past six months
- be an employee of the provincial government
- be a recipient of benefits under any of the acts for which the Tribunal has responsibility, or
- have any real or perceived interest in matters that come before the Tribunal.

Members are also required to abide by the Tribunal's Code of Conduct and Practices and Procedures and to maintain confidentiality.

NOTE: The Tribunal recruits new members from time to time. Anyone interested in being considered for appointment should refer to the Employment and Assistance Appeal Tribunal website, www.gov.bc.ca/eaat, or the Board Resourcing and Development Office website, www.fin.gov.bc.ca/BRDO, for information on how to apply.

The Appeal Process

The Tribunal hears appeals of reconsideration decisions made by the Ministry of Social Development in regards to the employment and assistance program, and the Ministry of Children and Family Development in regards to the child care subsidy program. A person must receive a reconsideration decision prior to requesting an appeal from the Tribunal. The appeal process, which is set out in the *Employment and Assistance Act* and Regulation, is the same regardless of which ministry made the reconsideration decision.

A person who applies for or receives assistance under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act* can ask for a reconsideration of a decision that resulted in a refusal, reduction or discontinuance of income or disability assistance, or a supplement; a decision regarding the amount of a supplement; or a decision that refuses to grant hardship assistance. More information about the Ministry of Social Development's reconsideration process is available from the Ministry's offices and website.

“ Those who are dissatisfied with the outcome of their request for reconsideration from either ministry can, in most cases, appeal to the Employment and Assistance Appeal Tribunal. ”

A person who applies for or receives a child care subsidy can ask for a reconsideration of a decision that resulted in the refusal, discontinuance or reduction of a child care subsidy. More information about the Ministry of Children and Family Development’s reconsideration process can be obtained by calling 1-888-338-6622 and asking to speak with an adjudicator.

Those who are dissatisfied with the outcome of their request for reconsideration from either ministry can, in most cases, appeal to the Employment and Assistance Appeal Tribunal. They must submit a Notice of Appeal form to the Tribunal within seven business days of receiving their reconsideration decision.

Upon receipt of a completed Notice of Appeal, the Tribunal decides whether the matter can be appealed. Factors that are considered include whether the Notice of Appeal was submitted within the prescribed timelines and whether the issue is appealable under the legislation.

If the matter is eligible for appeal, a panel of up to three persons is appointed and the hearing is commenced within 15 business days of the completed Notice of Appeal being delivered to the Tribunal. Most hearings are conducted in person, usually in or near the appellant’s community. Hearings can also take place by teleconference or, if both parties consent, in writing.

The panel reviews the ministry’s reconsideration decision and the appeal record, considers any supporting evidence provided by the appellant or the ministry, and renders a written decision, generally within five business days of the hearing. The Tribunal mails a copy of the decision to the appellant and the ministry within five business days of receiving it from the panel.

NOTE: Summaries of Tribunal decisions from 2009/10 are included in Section 4, “What Our Decisions Look Like.” Complete decisions are available on the website: www.gov.bc.ca/eaat.



MINISTRY RECONSIDERATION PROCESS

The Ministry of Social Development refuses, discontinues or reduces a benefit or the Ministry of Children and Family Development refuses, discontinues or reduces a child care subsidy.

A person may request a reconsideration of the ministry's decision by delivering a request for reconsideration to the ministry within 20 business days of being informed of the original decision.

The ministry has 10 business days to mail a reconsideration decision.

TRIBUNAL APPEAL PROCESS

If a person is dissatisfied with the reconsideration decision, he or she may submit a Notice of Appeal to the Employment and Assistance Appeal Tribunal.

The person has 7 business days to submit the Notice of Appeal to the Tribunal.

ORAL HEARING

Within 15 business days of receipt of the completed Notice of Appeal, the Tribunal schedules an oral hearing in person or by teleconference.

The panel hears the appeal in person or by teleconference.

The panel renders a decision, either confirming or rescinding the ministry decision.

The panel has 5 business days to provide the Tribunal with a written decision.

The Tribunal has 5 business days to mail the decision to the parties.

WRITTEN HEARING

Within 15 business days of receipt of the completed Notice of Appeal, the parties receive a letter from the Tribunal commencing the written hearing.

The appellant has 7 business days to provide a submission.

The ministry has 7 business days to respond to the appellant's submission.

The panel convenes to render a decision, either confirming or rescinding the ministry decision.

The panel has 5 business days to provide the Tribunal with a written decision.

The Tribunal has 5 business days to mail the decision to the parties.

How to Appeal...

You have
7 Business Days

If you are dissatisfied with the Ministry's reconsideration decision:

1. Complete the Notice of Appeal form.
2. Submit to the TRIBUNAL within 7 business days of receiving the Ministry's reconsideration decision.
3. Send the Notice of Appeal to the Employment and Assistance Appeal TRIBUNAL by:

MAIL: PO Box 9994 Stn Prov Govt,
Victoria, BC V8W 9R7

FAX: Toll free: 1-877-356-9687,
in Victoria: 250-356-9687

EMAIL: eaat@gov.bc.ca

You may **pick up** the Notice of Appeal form at your Ministry office or by contacting the Employment and Assistance Appeal TRIBUNAL.

How to Contact the Employment and Assistance Appeal TRIBUNAL.

TELEPHONE: Toll free **1-866-557-0035**

In Victoria **250-356-6374**

EMAIL: eaat@gov.bc.ca

WEBSITE: www.gov.bc.ca/eaat

This Tribunal brochure is included with every reconsideration decision denying the request.

Employment and Assistance Appeal Tribunal

How to Prepare for Your Appeal



This Tribunal brochure is sent to every appellant on acceptance of their Notice of Appeal.

2. If You Want To Appeal

How to Appeal

If you are dissatisfied with the ministry's reconsideration decision, complete a Notice of Appeal form and send it to the Tribunal within seven business days of receiving your reconsideration decision.

Type of hearing

The Tribunal will attempt to accommodate your request for the type of hearing indicated on your Notice of Appeal: oral (in person or by teleconference) or in writing.

Oral hearing - In person

If your hearing is proceeding as an oral hearing in person, the Tribunal will send you a Notice of Hearing, which you will receive at least two business days before the hearing is to take place, notifying you of the date, time and place of the hearing. Hearings will usually take place in or near your community. You have the right to call witnesses and present evidence in support of the information and records before the minister at reconsideration. You also have the right to make arguments in support of your case, and to have a family member, friend or advocate assist you during the appeal process.

Oral hearing - By teleconference

If your hearing is proceeding as an oral hearing by teleconference, the Tribunal will send you a Notice of Hearing, which you will receive at least two business days before the hearing is to take place. The Notice of Hearing includes the date and time of the hearing, as well as instructions for accessing the teleconference. As in an oral hearing in person, you

have the right to call witnesses and present evidence in support of the information and records before the minister at reconsideration. You also have the right to make arguments in support of your case, and to have a family member, friend or advocate assist you during the appeal process.

Written hearing

If you request a written hearing, and the ministry agrees, the Tribunal will send you a letter establishing a schedule for the written submission process. You will be given seven business days to provide a submission to support your case. On receiving your submission, the Tribunal will forward it to the ministry, and give the ministry seven business days to provide a written response. The Tribunal will then forward the appeal record, including the submissions, to the panel for review.

After the Hearing

The panel will provide the Chair with a written decision within five business days of the conclusion of the hearing. Upon request of a panel chair, the Chair may extend the time limit by no more than 10 additional days if satisfied that the panel is making all reasonable efforts to provide its determination in a timely manner, and the best interests of the parties are served by the extension. The decision will either confirm or rescind the ministry reconsideration decision. The Tribunal will mail a copy of the decision to the parties within five business days of receiving it from the panel. Decisions will not be provided over the telephone. The Tribunal decision is final; however, you can commence a judicial review by filing a petition in the BC Supreme Court, contact the Ombudsman if you feel you have been treated unfairly, or write to the Chair with any concern.

3. How We Did in 2009/10

The Tribunal measures its performance in meeting objectives established by legislation. The Tribunal must hear an appeal within 15 business days of receiving a Notice of Appeal. The Tribunal met the 15 business day timeline in 99.6% of the appeals, and missed in four appeals: in one instance, the Notice of Hearing was sent to an incorrect address; in another, the courier company failed to deliver the Notice of Hearing; in a teleconference, the panel chair made a scheduling error and missed the hearing; and in a written hearing, the letter commencing the hearing was sent one day after the deadline.

The Tribunal has been successful in ensuring that 100% of decisions met the statutory timelines. Meeting the legislative targets is particularly noteworthy as the number of Notices of Appeal increased 15%, continuing upward from a 46% increase the previous reporting period.

Here is a brief summary of the results of our work for the reporting period of October 1, 2009 to September 30, 2010.

Notices of Appeal Received

Notices of Appeal received **1,137**

(for both the Ministry of Social Development and the Ministry of Children and Family Development)

Appeals assessed as not within the jurisdiction of the Tribunal **80**

(do not proceed to hearing)

Appeals dismissed **43**

(before or during hearing)

Files carried over **126**

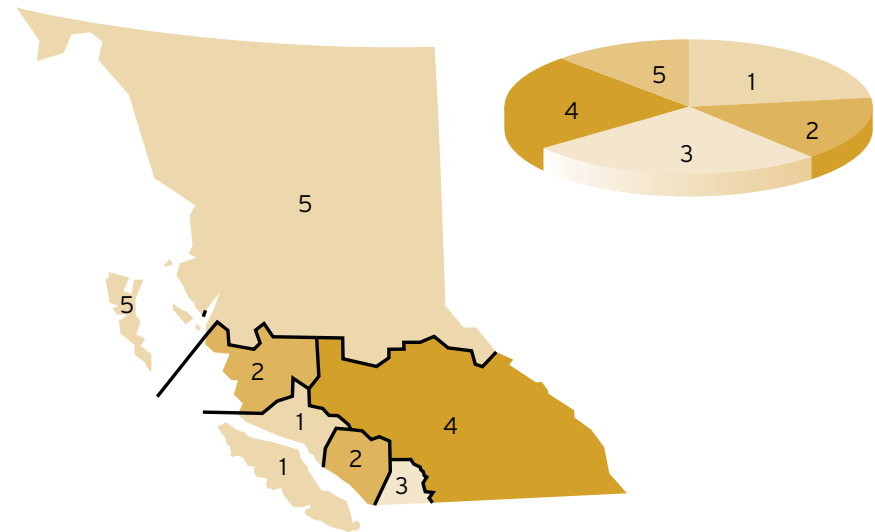
(Notices of Appeal received before September 30, 2010, but proceeding to hearing after or not assessed by September 30, 2010)

Notices of Appeal - by type

Disabilities - Persons with Disabilities-Designation	326
Disabilities - Persons with persistent multiple barriers (PPMB)	27
Eligibility - Deductions on income/earnings exemptions	17
Eligibility - Dependency/living arrangements	20
Eligibility - Eligibility audit	2
Eligibility - Excess income/assets	99
Eligibility - Failure to accept/ pursue income/assets	10
Eligibility - Failure to provide information/verification	26
Eligibility - Identification	1
Eligibility - Residency	3
Eligibility - Time limit for income assistance	2
Eligibility - Undeclared income/assets	5
Employment - Dismissed/quit/refused employment	17
Employment - Employment Plan/failure to look for work	147
Employment - Requirement for two year financial independence	13
Health Supplements - Dental supplement	41
Health Supplements - Diet/natal supplements	6
Health Supplements - MSP/other health supplements	17
Health Supplements - Medical Equipment	77
Health Supplements - Medical Supplies	9
Health Supplements - Medical Transportation	8
Health Supplements - Monthly Nutritional Supplement (MNS)	37
Health Supplements - Short-term nutritional supplement products	1
Health Supplements - Therapies	3
Other - Child in the Home of a Relative/under 19	3
Other - Child care	21
Other - Crisis supplement	78
Other - Family maintenance	3
Other - Hardship	2
Other	116

Notices of Appeal - by region

Region 1	Vancouver Island	272
Region 2	Vancouver Coastal	194
Region 3	Fraser	309
Region 4	Interior	247
Region 5	Northern	114



“ Professionals are not created by hope or desire – but through a combination of some innate ability and study and experience. ”

Toronto (City) v. CUPE, Local 79 (1982), 35 OR (2nd) 545 (Ont CA)

Appeal Outcomes

The total number of Notices of Appeal received differs from the number of appeals closed because of files carried over from the previous year or into the following year and various other factors. The number of decisions confirmed and the decisions rescinded do not equal the number of appeals heard for the same reason. The following statistics relate to appeal files that were closed in 2009/10.

Ministry of Social Development

Appeals heard	955
Decisions confirmed	632
Decisions rescinded	322

Ministry of Children and Family Development

Appeals heard	22
Decisions confirmed	18
Decisions rescinded	4

Tribunal Members

Candidates

To be a member of this Tribunal, a person must have an understanding of the essential elements for the conduct of a fair and objective appeal and the key aspects of the relevant legislation as per section 82 of the Employment and Assistance Regulation. The Candidate Training and Testing Package provides this information to interested members of the public so they can acquire and demonstrate the prescribed knowledge and skills. It enables recruitment from a broader sector of the community and has enhanced the efficiency of the application process.

Members

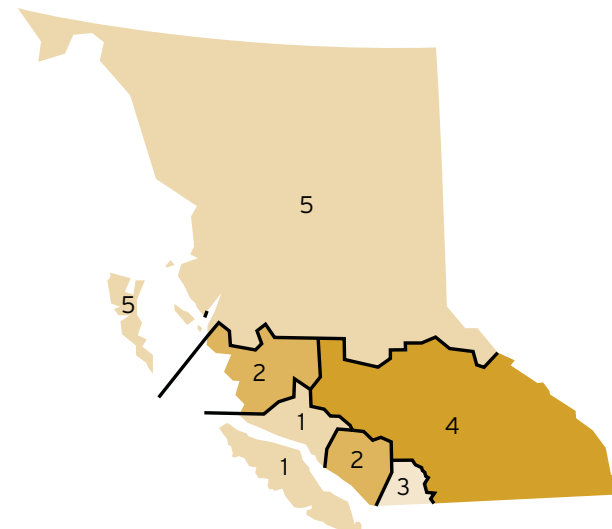
On successfully completing the Computer-Based Training Program (CBT) members are appointed to panels with an experienced panel chair who mentors the new member.

When the member has gained experience, they will receive decision writing training. The Decision Writing Training Module incorporates “findings of fact” and will be completed by members in preparation for an interactive session, either in person or utilizing video or web conferencing. Together, an efficient and cost effective system for training that allows for discussion.

Performance Reviews

Member performance is evaluated using the Competency-Based Learning and Development Tool prior to making recommendations to the Minister of Social Development on reappointment and for coaching members as it clarifies the requirements and expectations of members.

Performance reviews of members	56
Applicants who completed testing	64
New members provided with the CBT	18
Members appointed	18
Members reappointed	40
Total members as of September 30, 2009	169



Number of Members - by region

Region 1	Vancouver Island	46
Region 2	Vancouver Coastal	33
Region 3	Fraser	27
Region 4	Interior	50
Region 5	Northern	13

4. What Our Decisions Look Like

CASE 1

Moving Supplement

Ministry Decision

Denied a moving supplement

Summary of Facts

The evidence before the ministry was that the appellant had resided in a rental accommodation with four other tenants where the total rent was \$2,000 plus utilities and the appellant's actual shelter cost was \$500. Over the period of two months all of the appellant's roommates moved out. The landlord wrote to the appellant advising her that effective the first of the following month, she was responsible for the full rent of \$2,000 per month. The appellant found new rental accommodation for \$600 month and applied for a moving supplement from the ministry.

Tribunal Decision - Ministry decision rescinded

Reasons for Decision

The issue in this appeal was whether the ministry decision to deny the moving supplement was a reasonable application of the *Employment and Assistance for Persons with Disabilities Act* in the circumstances of the appellant or was reasonably supported by the evidence.

Section 55 of the Employment and Assistance for Persons with Disabilities Regulation states that the ministry may provide a moving supplement to assist with moving costs in a number of specified situations, including where the recipient's shelter costs would be significantly reduced as a result of the move.

The ministry's position was that the appellant's monthly shelter costs would increase from \$500 to \$600 and therefore the criteria was not met. The appellant's position was she was now solely responsible for the \$2,000 rental amount and thus the move resulted in a reduction in her shelter costs of \$1,400 per month.

The panel found that the ministry was not reasonable in determining that the appellant's shelter costs were not significantly reduced as a result of the move. Although the appellant previously had shelter costs of only \$500 per month for her current residence, the panel found her rent had increased to \$2,000 per month when her roommates moved out. Therefore, her move to new accommodation, at a cost of \$600 per month, resulted in a significant reduction of \$1,400 per month in her shelter costs.

The panel determined that the ministry decision was not reasonably supported by the evidence and rescinded the decision.

CASE 2**Assets in Excess****Ministry Decision**

Denied income assistance after determining that the appellant's real property assets exceeded the allowable asset limit

Summary of Facts

The evidence before the ministry was that the appellant was the sole owner of two properties, purchased in 2007 with an inheritance. Each empty lot, with a BC Assessment value of \$23,000, was listed for sale for \$37,500. The appellant is a single applicant with no dependants.

Tribunal Decision - Ministry decision confirmed

Reasons for Decision

The issue in this appeal was whether the ministry decision to deny income assistance for assets in excess was a reasonable application of the *Employment and Assistance Act* in the circumstances of the appellant or was reasonably supported by the evidence.

Section 11(2)(a)(i) of the Employment and Assistance Regulation provides that a sole applicant with no dependent children is not eligible for income assistance if the applicant has assets with a total value of more than \$1,500. Section 11(1)(c) provides that the applicant's place of residence is

exempt from the calculation of assets in section 11(2). Section 1 stipulates that the definition of "asset" includes any equity in real property that can be converted to cash.

The ministry's position was that as the appellant's equity in the two properties exceeds the asset limit, she is not eligible for income assistance. The appellant's position was that she had not been able to sell the properties at the current price and that she needs income assistance.

The panel found that the ministry was reasonable in determining that the properties were not an exempt asset as they were not the appellant's place of residence. The panel also found the ministry was reasonable in determining the lots were captured by the definition of "asset" as it includes equity in real property that can be converted to cash. The appellant had equity in real property as she owned two lots, unencumbered by mortgages. There was no evidence the lots could not be sold, so it was reasonable for the ministry to find that her equity could be converted to cash. As the appellant's equity in the lots exceeded \$1,500 and there was no exemption, the panel found that it was reasonable for the ministry to determine that the appellant was ineligible for income assistance.

The panel determined that the ministry decision was a reasonable application of the applicable enactment in the circumstances of the appellant and confirmed the decision.

CASE 3

Child Care Subsidy

Ministry Decision

Denial of Child Care Subsidy for January 1 to February 28, 2010

Summary of Facts

The evidence before the ministry was that the appellant was self employed and was eligible for a child care subsidy for 2009. On December 1, 2009, she completed and signed a renewal application for 2010, but did not provide it to the ministry as she did not have the required financial information. The appellant sought the financial information from her company's bookkeeper and submitted the completed application form to the ministry on March 8, 2010.

Tribunal Decision - Ministry decision confirmed

Reasons for Decision

The issue in this appeal was whether the ministry decision to deny the appellant a child care subsidy for January 1 to February 28, 2010 was a reasonable application of the Child Care Subsidy Regulation in the circumstances of the appellant or was reasonably supported by the evidence.

Section 4 of the Child Care Subsidy Regulation provides that to be eligible for a child care subsidy, a parent must complete an application in the form required by the minister. Section 13 provides that a child care subsidy may be paid from the first day of the month in which the parent completes an application under section 4. Under ministry policy, the ministry will provide a child care subsidy from the first day of the month in which an incomplete application is signed, provided that the completed application is received within 60 days of the signature date.

The ministry's position was that the appellant's completed application was not provided to the ministry until 98 days after the appellant signed the application and that was beyond the 60 days allowed under policy. The appellant's position was that she met the income eligibility criteria to receive a child care subsidy and the delay in her application was due to the time it took for her bookkeeper to complete and balance the income statements required for the application.

The panel considered the ministry policy and found it was a reasonable way of applying the legislation, giving the appellant the benefit of time in completing and submitting the application, and it did not add requirements beyond those of the legislation. The panel found that the ministry was reasonable in determining the appellant was not eligible for a child care subsidy for the period January 1 to February 28, 2010. Pursuant to section 13, the appellant is eligible for a child care subsidy from the first day of the month in which she completed the application.

The application was completed March 8, 2010; therefore, the ministry reasonably determined the appellant was eligible for the subsidy as of March 1, 2010. Under policy, the ministry may make an exception for completed applications that are submitted within 60 days of the signature on the application; however, as her application was 38 days beyond that timeline, the ministry reasonably determined this exception did not apply.

The panel determined that the ministry decision was a reasonable application of the applicable enactment in the circumstances of the appellant and confirmed the decision.



Our Organizational Values

In carrying out its mission, the Employment and Assistance Appeal Tribunal is guided by the following values:

- Fairness
- Impartiality
- Excellence
- Efficiency
- Timeliness
- Accessibility
- Accountability
- Transparency
- Independence



5. Looking Ahead

As the Tribunal was established in fall of 2002, many of our members have been with us for six years. The Board Resourcing and Development Office advised that, as a general rule, members serving six or more years will not be reappointed so others can have the opportunity of serving. While this does not prevent members from reapplying after a period of time, many members will leave us in the coming year. The Tribunal will focus on recruitment so that oral in person hearings can continue to be held throughout the province within the legislated 15 business days from receipt of the Notice of Appeal. Our aim is to provide new members the opportunity to be mentored by experienced panel chairs who enjoy providing guidance and sharing their knowledge. The Tribunal has been fortunate to have such talented and dedicated members.

The Candidate Training and Testing Package was developed in anticipation of our need to recruit new members and is now being utilized in the candidate application process, enhancing its efficiency. On appointment, new members receive the Computer-Based Training Program. On successful completion of this training, members are appointed to hearings as a panel member. After attending a number of hearings, they will be provided with the Decision Writing Training Module

followed by an interactive session to prepare for their role as panel chair. The program is designed to meet our needs as it can accommodate small groups. This combination of informational, testing, and training programs provide a cost effective and efficient means of dealing with recruitment through to advanced decision writing for panel chairs.

As we move forward to meet the current and future needs of the Tribunal, we are restrained by the budget, which was reduced while the number of appeals continues to increase. It limits our ability to create web based training and must be considered in making decisions on recruitment and provision of decision writing training.

Although there are a number of challenges, the Tribunal remains committed to providing an accessible, timely, fair, caring and ethical appeal process in communities throughout British Columbia and delivering decisions that are well reasoned and well written. We look forward to welcoming new members to our team and thank former members for the work they performed for the Tribunal and the service they provided for the people of British Columbia.

“ Fair procedures, equitable treatment, and responsiveness to the public are the cornerstones of a system of administrative tribunals built according to the Rule of the Law. ”

The Honourable Madam Justice Beverley McLachlin

Glossary

act | the *Employment and Assistance Act*

appeal record | the appeal record for the Tribunal is initially comprised of the Notice of Appeal and the record of the ministry decision. As the appeal progresses, it also includes submissions, any new information admitted into evidence at the hearing, and the Tribunal decision

appellant | a person who commences an appeal

business day | a day between the hours of 8:30 am and 4:30 pm other than Saturday, Sunday, or a statutory holiday

independent | the activities of the Tribunal are separate and operate at “arms length” from both ministries

members | a member of the Tribunal appointed by the Minister of Social Development under section 19(2)(c) of the act

minister | the Minister of Social Development or the Minister of Children and Family Development, depending on context

ministry | the Ministry of Social Development or the Ministry of Children and Family Development, depending on context

Notice of Appeal | the appeal form specified by the Minister of Social Development that must be submitted to the Tribunal in order to commence an appeal

oral hearing | a hearing that is conducted in the presence of the parties and the panel members or by teleconference

panel | the member(s) designated by the Chair under section 22(1) of the act to hear an appeal

panel chair | the chair of a panel designated under section 22(2) of the act

party | in relation to an appeal to the Tribunal, the appellant and/or the minister whose decision is under appeal

reconsideration decision | the final ministry decision pertaining to the initial request, and the decision that may be appealed to the Tribunal

record of the ministry decision | the information and records that were before the minister when the reconsideration decision under appeal was made

representative | an agent, lawyer, or advocate representing a party during an appeal

tribunal | the Employment and Assistance Appeal Tribunal established under section 19(1) of the act

chair | the chair of the Tribunal appointed under section 19(2)(a) of the act

witness | a person who provides evidence at a hearing

written hearing | a hearing that is conducted through the submission of written evidence and written argument

Appendix A: Tribunal Staff

(October 1, 2009 - September 30, 2010)

Dores Baxter

Melrose Boado

Kimberley Bowman

Lori Butler

Rosalind Chapman

Megan Hetherington

Tracie Horne

Dale Krockner

Glenna McEwen

Sarah McEwen

Marilyn McNamara

Nicole Murray

Lynda Parent

Renee Petersen

Valerie Provencal

Sandy Stevens



Appendix B:

Tribunal Members

(October 1, 2009 - September 30, 2010)

Region 1

Vaughn Allin
Denise Barber
William Bell
Glenys Blackadder
Diane Coe
Beverly Coleman
David Coombe
Joan Cotie
Eric Dahli
Jakob DeVilliers
Endre Dolhai
James Dunn
Judith Dyrland
Susan Edwards
Brenda Fowler
Karen Gillan
Peter Gustar
Marcus Hadley
Margaret Haigh
William Heflin
Gina Hepp
Daniel Horovatin
Joyce Johnston
Gabriella Lang

Thomas Lathrop
Avo Lepp
Victor Lotto
Richard Macintosh
Robin MacNair
Layne Marshal
Elizabeth Marshall
Harry Martin
Henry Mathias
Jennifer McCaughey
Judith McFarlane
Marilyn McNamara
Andrew Murray
Jane Nielsen
Rita Parikh
Delina Petit-Pas
Mary-Ann Pfieler
Bob Purgavie
Garnet Renning
Pierre Rousseau
Patricia Smith
Gail Stewart
Jacquie Tarasoff
Trevor Thompsett
Fred Thompson
Kenneth Thornicroft

Lynn Twardowsky
Barry Vogel
Bruce Webber
Frank Whitton
Bert Wolfe

Region 2

Gail Brown
Alexander Danilovic
Jagdev Dhillon
Margaret Gaily
Arlene Henry
Allan Hewett
Chris Hope
Marie Ingram
Roy Johnson
Daniel Kiselbach
Denise LeGrand
Carla Lewis
Yuki Matsuno
Terry Mullen
David Neave
Sheldon Nider
Debbie Nider
Ethel Niessen

Art Perret
Don Peters
Ib Petersen
Louis Peterson
Sandra Polinsky
Patrick Poyner
Claudia Roberts
Veronica Rossos
Hope Sealy
Maria Shawcross
Lainie Shore
Gary Snarch
Fred Taylor
Begum Verjee
Martha Warren
Kenneth Wilson
William Wright
Norman Wrightman

Region 3

June Barens
Sheila Begg
Linda Berg
Richard Bogstie
Richard Brock

Mary Bruce
Peter Davison
Jennifer Duprey
Karl Ellingsen
Hugh Gaffney
Robert Gunnell
Adrian Harper
June Harrison
Vincent Hart
Lachlan Heron
Beverly Kennedy
Mebs Lalani
Allen Lees
Bernie Leong
Henry Neufeld
Lawrence Plenert
Mohindar Rattan
Ana Rocho
Kundan Sangha
Christopher Saunders
Jeremy Sibley
Corey Van't Haaff
Sandra Walters

Region 4

Peter Allik-Petersenn
 Jaymie Atkinson
 Lorianna Bennett
 Gail Bernacki
 Gus Boersma
 Dale Carlson
 Bill Carruthers
 Brien Cates
 Sandra Chapman
 Marguerite Church
 Susan Cooper
 Linda Cross
 Elizabeth Cytra
 Kim Darling
 Ingrid Davis
 John Dormer
 Gillian Dougans
 Alex Dyball
 Ruth Embree
 Larry Ferguson
 Bob Fergusson
 Elizabeth Fleet
 Bob Forbes

Archie Gaber
 Bruce Gardiner
 Maxine Glover
 David Goldsmith
 Peter Grauer
 Larry Grist
 David Handy
 Dave Hanna
 Sheila Hart
 David Head
 Kathleen Higgs
 Brian Hornidge
 Larry James
 Peter Knittel
 Adeline Lemky
 Dianne Lockton
 Cindy Lombard
 Gary Lotochinski
 Laura Lundie
 Janet McCoy
 Grace Mills-Hodgins
 Wayne Murphy
 Gautam Parghi
 Mary Pickering

Stewart Pike
 Glen Prior
 Laurent Rivard
 Glen Shuttleworth
 Brian Smith
 Clinton Smith
 William Stalker
 Ron Sullivan
 Wendy Takahashi
 Thomas Thompson
 Sheila Toth
 Robin Tracy
 Geoff Varley
 Helene Walford
 Barry Watson
 Christopher Wells
 Paul Wortley

Region 5

Erin Anderlini
 Denene Broza
 Mary Chen
 Bryan Crampton
 Kerri Fisher

Daniel Gilgan
 Richard Lees
 Steven Merrick
 Suzette Narbonne
 Lee Ongman
 William Oppen
 Andrew Roth
 Andrew Shepherd
 Linda Smerychynski
 Frances Stanley
 David Wilbur
 William Woolsey

Appendix C:

Budget

(October 1, 2009 - September 30, 2010)

The provincial government's fiscal year begins April 1st. The Tribunal's reporting year begins October 1st. Therefore, budget tables for two fiscal years are shown so that the full Tribunal fiscal year is reported.

OPERATING BUDGET	APRIL 2009-MARCH 2010	APRIL 2010-MARCH 2011
Salaries and Benefits	\$880,000	\$895,000
Boards/Commissions/Courts - Fees and Expenses	398,000	451,000
Public Servant Travel	22,000	22,000
Centralized Management Support Services*	97,000	
Professional Services: Operational	86,000	115,000
Information Systems: Operating	10,000	12,000
Office and Business Expenses	107,000	130,000
Statutory Advertising and Publications	5,000	5,000
Amortization Expense**	11,000	
Building Occupancy Charges*	112,000	
Recoveries	(2,000)	(1,000)
TOTAL	1,726,000	1,629,000

*Budget lines for Centralized Management Support Services and Building Occupancy Charges have been centralized to Shared Services BC.

**The three-year amortization for computer systems is complete.

How To Contact Us

Call us at (250) 356-6374 or toll-free at 1-866-557-0035

e-mail us at eaat@gov.bc.ca

visit our website at www.gov.bc.ca/eaat

or ask for a Tribunal brochure at your local Ministry of Social Development office.

For TTY users, call TELUS Relay Service at 1-800-855-0511





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