

- » Keep a record of the date you were notified of the ministry's original decision and the date you submitted your Request for Reconsideration form.
- » If you need help filling out the Request for Reconsideration form, you may wish to ask an advocate to help you.
- » Your submission will be reviewed and a decision made by a Reconsideration Officer.
- » Generally a decision will be mailed to you within 10 business days of receiving your Request for Reconsideration form, or if you do not have a mailing address, the decision will be available for pick up at your local Employment and Assistance Office. At any time after your submission has been received and before a reconsideration decision is made, you can request an extension of 10 business days, if more time is needed to gather and submit information.

Step 2 – The Employment and Assistance Appeal Tribunal

If you disagree with a reconsideration decision, you have seven business days to appeal to the Employment and Assistance Appeal Tribunal. The Tribunal provides an independent, community-based appeal process. The Tribunal hears appeals of reconsideration decisions that:

- » Deny, reduce or discontinue income assistance, disability assistance or a supplement.
- » Determine the amount of a supplement.
- » Deny hardship assistance under the *Employment and Assistance Act* and the *Employment and Assistance for Persons with Disabilities Act*.

Appeal Process

- » If the Employment and Assistance Appeal Tribunal does not receive a Notice of Appeal form within seven business days of when you received the ministry's reconsideration decision, you will be deemed to have accepted the ministry decision.
- » You can request an oral or written hearing.
- » If the Tribunal determines that your matter is appealable, the Tribunal will appoint a panel of up to three people and hold a hearing within 15 business days of receiving your completed Notice of Appeal form.
- » If you request an oral hearing, you will be notified of the date and time – and whether it will be held in person or by teleconference – at least two business days in advance. Where possible, the Tribunal will hold your oral hearing in your community.
- » If you request a written hearing, the ministry must agree to that format. The Tribunal will then provide you with instructions about written submissions to the panel.
- » The panel can only admit as evidence the information and records that the ministry had at the time the reconsideration decision was made, including oral or written testimony that supports the information. Any new information to support your appeal should be submitted to the panel, who will then decide if it is admissible.
- » You are responsible for presenting your side of the case at the hearing. You can also ask a friend, family member or an advocate to come with you or help you prepare written information for the panel.

- » A representative of the ministry will attend your hearing and explain the ministry's reconsideration decision but will not be there in a decision-making capacity.
- » After your hearing, the panel will determine if the ministry's reconsideration decision was:
 - reasonably supported by the evidence, or
 - a reasonable application of the legislation given your circumstances.
- » The panel will then either agree with (confirm) the ministry's reconsideration decision or overturn (rescind) it.
- » Generally, you will receive a written decision from the Tribunal within 10 business days of your hearing.

For More Information

Visit the government website at:

www.gov.bc.ca/sdpr

Or call the Ministry of Social Development and Poverty Reduction toll-free:

1 866 866-0800

Access income and disability assistance services online at myselfserve.gov.bc.ca.

For more information about the Tribunal, please visit the Tribunal website at: www.eaat.ca/home or call 1-866-557-0035.



Reconsideration and Appeals



Ministry of
Social Development
and Poverty Reduction

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 Social Development and Poverty Reduction recognizes that differences of opinion may arise between you and the ministry. If you disagree with a ministry decision, you are encouraged to first discuss your concerns with an EAW. If you are still in disagreement with the decision, you may request a reconsideration of the decision. Reconsideration Officer will conduct a reconsideration of the original decision and make a new ministry decision. The reconsideration decision is the final ministry decision. If you disagree with the reconsideration decision, you may appeal that decision to the Employment and Assistance Appeal Tribunal. The Tribunal is an independent agency that will hold a hearing to consider your appeal.

What is a Reconsideration or Appeal Supplement?

You may be eligible to receive a supplement while you are awaiting the outcome of a reconsideration or appeal if your assistance was discontinued or reduced as a result of the decision. You will be required to sign a Promise to Repay form and repay this supplement

if the final appeal decision supports the ministry decision. If the final decision is in your favour, you will not be required to repay the supplement.

Overview of the Reconsideration and Appeal Process

When making decisions about what a person is eligible for, ministry staff are bound by 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 the Request for Reconsideration form.

How the Process Works

Reconsideration

The reconsideration process provides 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 to support their case.

Decisions that may be reconsidered include:

- » Your application for assistance has been denied.
- » The amount of assistance you are currently receiving has been reduced.
- » Your assistance has been discontinued.
- » You disagree with a decision that has been made about your employment plan.

There are some decisions that cannot be reconsidered. For example: quality of service issues or 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 of your local Employment and Assistance Office and every effort will be made to resolve these issues at that office.

Step-by-Step Instructions

Step 1 – Reconsideration requests in My Self Serve

- » Beside the Service Request that has been denied, elect the Reconsideration option.
- » Describe the reasons you disagree with the ministry decision.
 - You can upload additional documentation or information that you think may support your case. Use your PIN to electronically sign and date the form. You may submit additional documentation at any time prior to a reconsideration decision being made.
 - Your request for reconsideration, any additional documents you submit and the original decision made by the ministry will be electronically submitted to a Reconsideration Officer for reconsideration.
- » You must submit your Reconsideration request via My Self Serve within 20 business days of the date you were notified of the ministry's original decision.
- » My Self Serve will help you keep a record of the date you were notified of the ministry's original decision and the date you submitted your Request for Reconsideration.
- » If you need help filling out the Request for Reconsideration, you may wish to ask an advocate to help you.

- » Your submission will be reviewed and a decision will be made by a Reconsideration Officer.
- » Generally, a decision will be communicated to you within 10 business days of receiving your Request for Reconsideration.
 - At any time after your submission has been received and before a reconsideration decision is made, you can request an extension of 10 business days by selecting the extension option, if more time is needed to gather and submit information.

Reconsideration requests outside of My Self Serve

- » Let an EAW know that you wish to seek reconsideration of a ministry decision.
- » Complete a Request for Reconsideration form. You can get a copy of the form at your local Employment and Assistance Office.
 - An EAW will complete sections one and two of the 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 three and four of the form. You may include additional documentation or information that you think may support your case. Please remember to sign and date the form. You may submit additional documentation at any time prior to a reconsideration decision being made.
- » Return your Request for Reconsideration to a local ministry office within 20 business days from the date you were notified of the ministry's original decision.