

# **Employment and Income Assistance Appeals Guide**

The Social Services Appeal Board is an independent appeal board for decisions about employment and income assistance and other programs offered by the Department of Manitoba Family Services and Labour. (For a list of other programs that can be appealed to the appeal board, please see the [end of this brochure](#).)

## **Your Right to Appeal**

You can appeal an income assistance decision if:

- you were not allowed to apply
- your request was not dealt with in a reasonable amount of time
- your application for assistance was denied
- your assistance was cancelled, suspended, varied or withheld
- you think your assistance amount is not enough to meet basic needs

## **Filing an Appeal**

Your appeal can be submitted to the appeal board on a Notice of Appeal form or in a letter. Notice of Appeal forms are available from the appeal board's office or your income assistance office. You must file your appeal within 30 days of the Department's decision. When filing, briefly write your reasons for appeal in your letter.

If you require emergency funds, you must apply to the Department of Family Services and Labour for assistance.

## **The Appeal Process**

Once the appeal board receives your appeal, the board will send you and the department a Notice of Hearing with the date, time and place of your appeal hearing. In Winnipeg, most hearings are held in the boardroom at the appeal board's office. If you live outside of Winnipeg, the hearings may be held in provincial buildings, municipal offices or another location. In some cases, the board may arrange a hearing by teleconference or other means if you are unable to travel. The department will write a response to your appeal after it is filed with the appeal board. The board will make this report available to you before the hearing.

## **The Appeal Panel**

The appeal panel consists of three members of the Social Services Appeal Board. Board members come from Winnipeg and rural Manitoba to ensure that the appeal board represents the regional, economic and cultural diversity of the province. The appeal board is independent from government to ensure you receive a fair and impartial hearing.

## **The Hearing**

The hearing is informal and every effort is made to make you feel at ease.

Social Services Appeal Board staff cannot act on your behalf during an appeal hearing. You may have a lawyer or another person attend the hearing to help you. A friend or relative may also attend for support and may speak at the hearing if s/he wishes.

All hearings are open to the public, unless you request that it be closed.

The department will submit to the board a written report in response to the issue raised in your appeal notice. You may also wish to bring documents to support your position at the hearing. If you have any material you wish to present, you may ask board staff to photocopy it before the hearing, so everyone has a copy.

All information about your appeal will be reviewed during the hearing. You will be given every opportunity to present your case. Representatives from the department will also be allowed to comment on their written response to your appeal and the information you present.

Both you and the program's representatives will be allowed to ask questions once both presentations are finished. The appeal board members may also ask questions to clarify essential facts. In situations where there is a witness who has information relevant to the appeal but will not voluntarily provide the appeal board with this information, the board can summon this person to testify, or provide specific documents, at the hearing. This helps ensure a fair decision that is in keeping with income assistance legislation.

## **The Decision**

The appeal board makes its decision to allow or dismiss your appeal soon after the hearing. If the appeal is allowed, you will have won your case. If it is dismissed, it means the board believes you have been treated in accordance with legislation.

The Board will send you a copy of the Official Order which outlines its decision. This will usually be sent within a week to 15 days after the hearing. A letter giving

reasons for the decision will also be sent. The letter may make recommendations to the department about your situation. It may also provide suggestions for further action you may wish to take.

## Reconsideration

The order is the appeal board's final decision on your appeal. However, should you or the program have a valid reason, a written application for a reconsideration of the decision may be made. You have 30 days from receipt of the order to apply for a reconsideration.

## Appealing the Board's Decision

The decision of the appeal board may be challenged before the Provincial Court of Appeal on a question of law or jurisdiction. This must be done within 30 days of receiving your decision from the appeal board. If you decide to take this appeal route, you may want to contact a lawyer for assistance. You can apply to Legal Aid if you require legal representation.

The Social Services Appeal Board also hears appeals for the following programs:

- Adoption Agency Licensing
- Child Care Subsidies
- Child Care Licensing
- 55-Plus: A Manitoba Income Supplement, Junior Component
- Manitoba Prenatal Benefit
- Residential Care Licensing
- Market*Abilities* Program (Eligibility)
- Vulnerable Persons Living with a Mental Disability Program (Eligibility and Individual Care Plan)

## For more information, please contact:

**Social Services Appeal Board** 7<sup>th</sup> floor - 175 Hargrave Street Winnipeg MB R3C 3R8 Phone: 945-3003 or 945-3005 (in Winnipeg) Toll free: 1-800-282-8069 TTY: (204) 948-2037 Fax: (204) 945-1736

Copy of guide can be found online:

<[http://www.gov.mb.ca/fs/ssab/eia\\_appeals.html](http://www.gov.mb.ca/fs/ssab/eia_appeals.html)>