

<i>Act/Regulations</i> <i>Social Assistance Act Reg., s. 43-51</i> <i>Supports for Persons with</i> <i>Disabilities Act General Reg., s. 16</i>	<b>Program</b>	<b>Social Programs</b>	
	<b>Subject</b>	<b>Social Programs Appeals</b>	<b>Policy #</b> 1.6
<b>Effective Date: April 1, 1986</b>		<b>Authorized by:</b>	
<b>Revised Date: September 1, 2022</b>		<b>Deputy Minister Jamie MacDonald</b>	

## 1.0 PURPOSE

- 1.1 To provide an appeal mechanism for parties dissatisfied with a decision made with respect to social benefits provided by Social Programs.

## 2.0 DEFINITIONS

- 2.1 **Social Programs Appeal Board:** a Board consisting of members who are not departmental employees and who are appointed in accordance with the legislation.
- 2.2 **Applicant:** a person who applies for or on whose behalf an application is made for a social benefit(s).
- 2.3 **Chairperson:** the Chairperson of the Social Programs Appeal Board.
- 2.4 **Social Programs:** programs and benefits administered by the Social Programs division, including AccessAbility Supports, Social Assistance, Child Care Subsidy, and the Seniors Independence Initiative.
- 2.5 **Recipient:** a person who is provided a social benefit(s) and includes a person whose social benefits have been suspended but not cancelled.
- 2.6 **Social Benefit(s):** financial benefit(s) received through the Social Assistance Program, AccessAbility Supports, Child Care Subsidy or Seniors Independence Initiative.

## 3.0 POLICY STATEMENT

- 3.1 For the purposes of this policy use of the word applicant is inclusive of recipient.
- 3.2 All applicants have the right to submit a request for an appeal should they not be satisfied with the decisions made with respect to their social benefits.
- 3.3 The Social Programs Appeal Board will hear appeals for decisions made regarding the provision of all social benefits.
- 3.4 A request for an appeal may be submitted for these reasons:
- The Department refused to accept an application for social benefits;
  - The application for social benefits was denied;
  - The amount of social benefits granted was not in accordance with these regulations or the written policies; or
  - The applicant's social benefits were reduced, suspended, cancelled, or withheld.

- 3.5 Where an appeal is made against a decision to reduce, suspend or cancel social benefits, the amount of social benefits authorized as emergency assistance shall be paid to the applicant until the Board renders its decision.
- 3.6 Where an appeal is made against a refusal to grant social benefits, no social benefits shall be paid to the applicant unless the Board grants the appeal.

#### **4.0 PROCEDURE STATEMENTS**

- 4.1 The applicant and/or their representative shall submit a request for an appeal of their case by writing to the Social Programs Appeal Board, P. O. Box 2000, 11 Kent Street, Jones Building, Charlottetown, PE, C1A 7N8.
- 4.2 An applicant and/or their representative must submit a request for an appeal within 30 calendar days of receiving the decision they wish to appeal.
- 4.3 The chairperson will ensure the appropriate Social Program office and supervisor is made aware of the request for an appeal so they can begin to prepare the case package.
- 4.4 The chairperson will schedule the appeal within 15 calendar days of the arrival of the appeal request.
- 4.5 The applicant and/or their representative will be provided with a copy of a case package at least 48 hours before the appeal is to be held. The package must include a copy of the applicant's written application for social benefits or for an increase in the amount of social benefits; the particulars of the financial resources of the applicant as calculated by the Department; and other documents and records pertaining to the matter under appeal. If the case package is being received by a representative for the applicant, the Supports Coordinator will ensure the appropriate *Release of Confidential Information* form is signed by the applicant.
- 4.6 The chairperson shall give the applicant and/or their representative and the Department at least three calendar days' notice of the date, time, and place of the hearing.
- 4.7 Quorum for the Social Programs Appeal Board will consist of at least three members, and no more than four members, including the chairperson or vice-chairperson. If the chairperson is unable to attend, the vice-chairperson will act as chairperson.
- 4.8 The Social Programs Appeal Board will hear the appeal in the following manner:
- The chairperson will open the proceedings;
  - The applicant and/or their representative will provide evidence;
  - The Department will provide evidence;
  - The Department and the applicant will provide a rebuttal if they wish to do so;
  - The applicant will be provided with opportunity to make the final rebuttal;
  - The Appeal Board members may ask questions at any time;
  - The chairperson will close the proceedings.
- 4.9 The Appeal Board will only hear evidence and information that pertain to the appeal at hand from both the applicant and the Department.
- 4.10 The Board may not render a decision which has the effect of providing more social benefits than is otherwise allowed under the applicable legislation or policy.
- 4.11 A written decision will be mailed to the applicant who made the request for the appeal within fifteen calendar days of the hearing. The applicant may also contact their

Supports Coordinator to be informed if the Department has been advised of a decision and what that decision is.

- 4.12 Within 10 calendar days of receipt of the written decision, the Department or the applicant may, on the basis of new evidence only, request that the Board review its decision on the appeal.

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**HISTORY:**

**March 25, 2021:** Editorial, format, and content updates. Policy replaces the previous Social Assistance Policy 7.3, Appeals, and reflects the expansion of the Social Assistance Appeals Board to the Social Programs Appeal Board.

**September 1, 2022:** Deputy Minister has been updated. Policy number updated from 2.1 to 1.6.