



	Program	AccessAbility Supports	
	Subject	Request for Reconsideration	Policy # 5.4
Effective Date: November 18, 2019		Authorized by:	
Revised Date:		Assistant Deputy Minister Deborah Bradley	

1.0 PURPOSE

- 1.1 To facilitate the processing of a Request for Reconsideration of decisions and to clarify responsibility for tasks in the reconsideration process relative to AccessAbility Supports (excluding Assured Income).

2.0 DEFINITIONS

- 2.1 **Applicant:** a person who applies for, on whose behalf an application is made, or who receives AccessAbility Supports (AAS).
- 2.2 **Chairperson:** the Chairperson of the AccessAbility Supports (AAS) Reconsideration Panel.

3.0 POLICY STATEMENT

- 3.1 All applicants have the right to submit a Request for Reconsideration should they not be satisfied with the decisions made with respect to their AAS.
- 3.2 The AAS Reconsideration Panel will hear Reconsiderations for decisions made regarding the provision of AAS (excluding benefits defined under assured income).
- 3.3 Reconsiderations/Appeal Requests for decisions regarding the provision of Assured Income, as defined under Policy 3.1, shall be heard under Social Assistance Policy 7.3, pursuant to the *Social Assistance Act* – Section 5, 5.1.
- 3.4 A Request for Reconsideration may be submitted for many reasons including:
- An applicant is not approved for service;
 - An applicant disagrees with services offered;
 - An applicant’s funding level was reduced, suspended, cancelled or withheld;
 - An applicant disagrees with an overpayment;
 - An applicant disagrees with a decision around program eligibility; and
 - Other reasons as per the approval of the Chairperson.
- 3.5 A Request for Reconsideration shall be granted on decisions to determine whether policy and legislation were interpreted and applied appropriately. A Request for Reconsideration which would have the effect of providing more AAS funding than is otherwise possible as per AAS established rates or funding levels, shall not be granted.

- 3.6 Where a Request for Reconsideration is submitted for a decision to reduce, suspend, or cancel AAS, the amount of AAS previously provided shall continue to be provided until the AAS Reconsideration Panel renders its decision.
- 3.7 Where a Request for Reconsideration/Appeal Request is submitted for a decision to refuse to grant Assured Income, an amount of emergency assistance may be offered to the applicant as defined in Regulation 47 of the *Social Assistance Act*- Regulations until the AAS Reconsideration Panel renders its decision.
- 3.8 Where a Request for Reconsideration is submitted for a decision to refuse to grant AAS, other than Assured Income, no AAS shall be paid to the applicant until the AAS Reconsideration Panel renders its decision.

4.0 PROCEDURAL STATEMENTS

Reconsideration/Appeal Requests for decisions regarding the provision of Assured Income shall follow the process as defined under Social Assistance Policy 7.3, pursuant to the Social Assistance Act – Section 5, 5.1. Other benefits defined under AAS will adhere to the procedures defined as follows:

- 4.1 The applicant and/or their representative shall submit a Request for Reconsideration of his/her case by writing to the Director of Social Programs, 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 Reconsideration within 30 calendar days of receiving the decision they wish to have reconsidered.
- 4.3 The AAS Reconsideration Panel will only hear the Reconsideration after an Internal Review has been performed.
- 4.4 The Chairperson will schedule the Reconsideration within 15 calendar days of the arrival of the written request.
- 4.5 The AAS Reconsideration Panel will be comprised of the Chairperson as well as two AccessAbility Supports Coordinators who work in offices other than the office where the decision was made.
- 4.6 The Reconsideration Panel will hear the Reconsideration in the following manner:
 - The Chairperson will open the proceedings;
 - The applicant and/or their representative will provide evidence;
 - The appointed office employee will provide evidence;
 - The applicant will provide a rebuttal if they wish to do so; and
 - The Chairperson will close the proceedings.
- 4.7 The Chairperson shall determine the conduct of the hearings.
- 4.8 The Panel will only hear evidence and information that pertain to the Reconsideration at hand from both the applicant and the appointed staff member.
- 4.9 The applicant and/or their representative will be provided with a copy of a Case Package, containing all relevant case notes, at least three days before the Reconsideration is to be held. The applicant receiving the Case Package will sign a release form to acknowledge receipt of the package and that the package contains sensitive personal information before receipt of the package.

- 4.10 A written decision will be provided to the applicant who made the request for the Reconsideration within 15 calendar days of the hearing.

5.0 REFERENCES

1.4 Capability Assessment

3.1 Assured Income – Description

7.3 Social Assistance - Appeals

6.0 ATTACHMENTS

HISTORY: