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## Appeals Overview

### General Principle

Individuals have the right to have their circumstances assessed objectively in accordance with the Social Development Program policies and procedures, and to have a forum for reconsideration and redress when disputes arise.

### Policy

Applicants or recipients of social assistance must be informed of the reason(s) for a decision, and if applicable, of their right to appeal.

An applicant or a recipient (client) may request an Administrative Review of a decision made by the Administering Authority on the grounds of:

- refusal to grant an allowance or service
- reduction of an allowance or service
- cancellation or suspension of an allowance or service

If the client is not satisfied with the decision resulting from the Administrative Review, the client may request that the case be heard by an Appeals Committee.

Where there is no discretion in the policy to make a decision, there is no decision THAT IS open to appeal.

The following are examples of some non-discretionary issues:

- General eligibility requirement such as requirements to complete an application and notify the Administering Authority of the changes in circumstances
- Amount of assistance rates
- Rate change resulting from a policy change

## Procedures

### ***Request for Administrative Reviews***

- Clients requesting an Administrative Review shall be provided with a *Request for Administrative Review (SA140)* form:
  - For decisions concerning social assistance and other services, the Administering Authority shall complete Section 1 “Decision to be Reviewed” of the form.
  - For decisions concerning the denial of the Persons with Disabilities (PWD) designation, the decision statement is the PWD adjudicator stated reason(s) for determining that the applicant fails to meet the PWD Designation eligibility requirements that is in the initial decision letter.
  - The client shall complete Section 2 “Request for Administrative Review and Reasons for Request” which may also include providing new information that is relevant to the original decision.
  - The completed form and all supporting documents must be mailed or delivered to the Administering Authority within 20 business days of the client being notified of the decision that is to be reviewed.
- The decision to refuse to grant an allowance, a service or the PWD designation shall stand during the Administrative Review and appeal processes, until it is overturned by the Administrative Review decision or the final decision made with respect to the recommendation of the Appeals Committee.
- Upon receipt of a completed *Request for Administrative Review (SA140)* form, the reduction, cancellation or suspension of an allowance or service shall be reinstated at the rate prior to the decision being appealed, and shall not be varied during the review or appeal process, subject to the recipient continuing to meet the conditions of the Administrative Review and appeal processes and all other eligibility requirements.
- The Administering Authority shall mail the completed form and supporting documentation to Indian and Northern Affairs Canada (INAC).

## **Review**

### Social Assistance

Upon receipt of the *Request for Administrative Review (SA140)* form, an INAC Funding Services Officer who was not party to the original decision will conduct a review on all the information provided by the client and the original decision maker and come to a decision respecting the matter within 20 business days.

### Persons with Disabilities Designation

Upon receipt of the *Request for Administrative Review (SA140)* form the Manager, Social Development Unit, **Intergovernmental Affairs**, INAC will assign a reviewer, who was not party to the original decision to conduct a review on all the information provided by the client and the original adjudicator and come to a decision respecting the matter within 20 business days.

**Attention: Manager, Social Development Unit**  
**Intergovernmental Affairs**  
**600-1138 Melville Street**  
**Vancouver, BC V6E 4S3**

## **Decision**

- The decision of the Administrative Review may be to:
  - deny the request for Administrative Review or appeal on the grounds that the matter is not appealable
  - confirm the decision
  - revise the decision
- The reviewer shall complete Section 1 and Section 2 of the *Administrative Review Decision and the Request for Appeals Committee Hearing (SA 142)* form.
- The decision of the Administrative Review shall be recorded in Section 2 of the form, with detail explanation and clear reference made to the policy upon which the decision is made.
- The reviewer shall mail the original copy of the completed form to the client.
- The reviewer shall mail a copy of the completed form to the Administering Authority. This copy shall be placed on the client's social assistance file.

- INAC shall keep a copy of the completed form for records.
- If the Administrative Review decision is acceptable to the client, any necessary action shall be taken, and the matter considered concluded.
- Clients who wish to dispute the Administrative Review decision must:
  - complete Section 3 “Request for Appeals Committee Hearing” of the *Administrative Review Decision and the Request for Appeals Committee Hearing (SA 142)* form
  - return the form within 7 business days of the date the applicant or recipient received the notice of the decision being reviewed to the Administering Authority
- Upon receipt of Request for Appeals Hearing, the Administering Authority will place the matter, provided that it is open to appeal, before an Appeals Committee.