

# INCOME ASSISTANCE Review/Appeal Process

## A “How To” Guide



The Department of Social Development (Income Support Program) makes hundreds of decisions every day. If you do not agree with a decision made about your case, you can request a review.

### **You have the right to request a review if:**

- your application for financial assistance has been denied.
- in your opinion, the financial assistance granted is insufficient or inappropriate for your needs, within the limitations imposed by the Regulations made under the *Family Income Security Act*.
- financial assistance of which you have been in receipt has been discontinued.
- financial assistance of which you have been in receipt has been reduced.
- in your opinion, there has been an unreasonable delay in the making of a decision in a matter which affects your financial assistance.

There are two steps in the process to review/appeal a decision about your request for income assistance:

### **1. Request for Review**

Ask your screener, needs assessor, or case manager for a Request for Review form. You have 30 working days to fill out the form and return it to your local office of Social Development. An area reviewer who is knowledgeable about the *Family Income Security Act* and the New Brunswick Regulations 95-61 will review your case. Within 15 working days of receiving your request for review, the area reviewer will make a decision on your case and send you a letter letting you know the outcome. The area reviewer may decide in your favour and overturn the department's decision, or agree with the original decision and turn down your request. The decision is based on: information provided by you; information provided by the employee who made the decision; and section(s) of the *Family Income Security Act* and the New Brunswick Regulations 95-61 that supports this decision.

The area reviewer's decision letter shall contain the following:

- Particulars of the decision
- Reasons for making the decision

- If you have the right to an appeal, a Notice of Appeal form will be attached to the area reviewer's decision letter

## 2. Request for Appeal

If you do not agree with the area reviewer's decision, and if you have the right to appeal, the Notice of Appeal form will be attached to the area reviewer's letter. You have 20 working days to complete the Notice of Appeal and send it to the address on the form. The Family Income Security Appeal Board will hold a hearing at your request within 20 working days of receiving your Notice of Appeal. The coordinator of the Board will send you a Notice of Hearing letter that will tell you the date, time and place of the hearing. If you wish to obtain a copy of the documentation pertaining to this appeal prior to the hearing date, you must contact the area reviewer. Please call the area reviewer at least five days prior to the hearing date to make this request. Your information package will be available for pickup at the regional office three days prior to the hearing.

The Appeal Board is separate from the Department of Social Development and its members are people from the community who do not work for the department. Their job is to provide applicants and clients with an independent review of a departmental decision.

### Which decisions cannot be appealed?

- An applicant cannot appeal their ineligibility for assistance if they have not completed the application process.
- Emergency benefits of special need
- Non-financial issues such as case planning decisions.
- Section 4(4) decisions (such as an application for a Health card only)
- Decisions of the Medical Advisory Board

### What will be included in the documentation provided by the area reviewer?

Your package will only include the information which is releasable by law. The information which you are not entitled to receive (third party information) will be withheld as per the *Family Income Security Act*.

### Can I bring someone to the appeal hearing with me?

You may bring another person to the appeal hearing and have them speak on your behalf. You can bring a friend or family member for support or you may bring a lawyer for advice.

### Where will the hearing be held?

The hearing will be in the same city or town as your local office of Social Development.

The Notice of Hearing letter will tell you the address where your appeal will be heard.

### Who will be at the hearing?

You and the area reviewer will both be at the appeal hearing. There will also be the chairperson or vice-chairperson of the appeal board and two other Board members. To protect your privacy the hearing is not open to the public.

### Do I have to bring anything to the hearing?

You may bring any other information not included in your case file that is important to your appeal. The area reviewer will bring any relevant documents to the hearing, but the Board members will not have seen them beforehand.

### What if I cannot afford to get to the hearing?

If it will cause you financial hardship to attend the hearing, you may ask the Board for assistance to help pay some of your travel costs.

### What will happen at the hearing?

You and the area reviewer will both wait outside the hearing room until your case is called. The chairperson will introduce you to the other members of the Board and explain what you can expect during the hearing. The Board members will first ask you questions about your monthly expenses. The area reviewer will present the information on your file, and then you will respond and provide anything else which is important to your case. When the Board members have all the information they need, you and the area reviewer will leave and the Board will decide on your case.

### When will I find out the result of my hearing?

Within 15 working days of your hearing, the Board will send a letter to both you and the area reviewer stating what they have decided and why. The Board may decide to overturn the department's decision and rule in your favour, or they may agree with the department and the original decision will stand. A decision made by the Board is final and conclusive.

If you have any additional questions about the review/appeal process or how to reach the Appeal Board in your area, please contact your local office of Social Development.

### Do you have any questions?

If you have any questions, please contact your regional office of the Department of Social Development at 1-833-733-7835.

Telephone: (506) 453-2576 or 1-844-973-0497

Email: FISAB-CASRF@GNB.CA

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