

Dismissing Your Appeal

An appeal can be dismissed at any time before a panel makes a decision. Both you and the ministry must sign the Consent to Dismiss Appeal form and forward it to the Tribunal. This means that no decision will be made about your appeal.

After Your Hearing

The panel decides whether the ministry's decision was:

- Reasonably supported by the evidence; or
- A reasonable application of the legislation given your circumstances.

The panel will either confirm or rescind the ministry's decision. By rescinding, the appellant is successful in their appeal.

Generally, you will receive the written decision by mail within 10 business days of the date of your hearing.

Judicial Review

The Tribunal decision is final; however, you can file a petition in the BC Supreme Court asking a judge to review it. This is called a judicial review. Generally this must be done within 60 days of the Tribunal's decision.

Complaint Process

If you have a concern about the conduct of an appeal or any interaction with the Tribunal, you can make a complaint by writing to the Tribunal Chair. As well, if you believe you were treated unfairly by the Tribunal, you can contact the Office of the Ombudsperson.

Employment and Assistance Appeal Tribunal

HOW TO CONTACT THE TRIBUNAL

How to Prepare for Your Appeal

For further information about the Tribunal, or copies of the forms mentioned in this brochure, please visit our website at www.eaat.ca or contact us:

BY TELEPHONE: **250-356-6374**
TOLL-FREE: **1-866-557-0035**

BY FAX: 250-356-9687
TOLL-FREE: 1-877-356-9687

BY MAIL: PO Box 9994
Stn Prov Govt
Victoria BC V8W 9R7

BY EMAIL: info@eaat.ca



The Employment and Assistance Appeal Tribunal

As the Tribunal is not part of any Ministry, you must contact the Tribunal directly about your appeal.

The jurisdiction of the panel is limited to whether the ministry's decision is a reasonable application of the legislation in the circumstances of the appellant or reasonably supported by the facts.

Support With Your Appeal

If you need an advocate, visit PovNet's website at www.povnet.org for a listing of advocacy agencies in or near your community.

If another person is to communicate with the Tribunal on your behalf or represent you at hearing, you will need to complete and return the Tribunal's Release of Information form. Without this the Tribunal cannot communicate with them.

Support at Your Hearing

You can ask a family member or a friend to come with you to the hearing. You can also bring an interpreter. If required, the Tribunal will provide an interpreter for you. Let the Tribunal know what other disability supports you may require to attend your hearing.

Preparing for Your Hearing

The Tribunal will provide you with a copy of the appeal record. To help you prepare:

- Review the ministry's reconsideration decision as it tells you the reasons why you were denied or found ineligible. Be prepared to tell the panel why you disagree with that decision.
- Consider whether additional evidence would help your case. The panel can only admit oral and written evidence that is in support of the information before the ministry when the reconsideration decision was made.
- Think about whether a witness would help your case. Witnesses will be asked to remain outside the hearing room until asked to testify. After testifying, they will be asked to leave unless you request they remain. If they remain, they cannot provide further testimony.

Visit the Tribunal's Website at www.eaat.ca to:

- Review the sections of the acts or regulations that apply to your appeal.
- Read prior panel decisions. These decisions won't necessarily be followed by other panels, however they give you a sense of how the Tribunal dealt with similar appeals.
- Review the Tribunal Practices & Procedures for information on the appeal process.
- Watch the video clips about the hearing process.
- Obtain copies of appeal forms, such as the Release of Information.

Your Hearing

The Tribunal attempts to accommodate your request for the type of hearing indicated on your Notice of Appeal: oral (in-person or by teleconference) or written. It is not uncommon for in-person hearings to have a member or a party attend by telephone.

WRITTEN HEARING

You will receive a letter that sets out the timelines for the written hearing process. You will have seven business days to provide a written submission that includes reasons and additional information to support your case. If you need more time to provide submissions, you must submit a request for an extension in writing to the Tribunal in advance of your submission due date.

On receiving your submission, the Tribunal will forward it to the ministry who has seven business days to respond. You will receive a copy of the ministry's submission.

ORAL HEARING

An oral hearing (in-person or by teleconference) will take place within 15 business days from the day that a completed Notice of Appeal is received at the Tribunal. You will be notified of the date, time and location of your hearing at least two business days before the hearing.

Bring your copy of the appeal record to the hearing. Provide any additional evidence to the Tribunal prior to your hearing so it can be distributed on your behalf. Otherwise, bring copies to your in-person hearing.

Adjourning Your Hearing

If you cannot make it to your hearing, or if you need more time to gather evidence, you can request an adjournment to have your hearing at a later date. You must complete the Appeal Adjournment Request form, obtain the ministry's consent, and return the form to the Tribunal. The Tribunal Chair must consent to the adjournment.

If it is less than one business day before your scheduled hearing, your request must be made to the panel at the hearing and the panel may grant the adjournment even if a prior request was not agreed to.