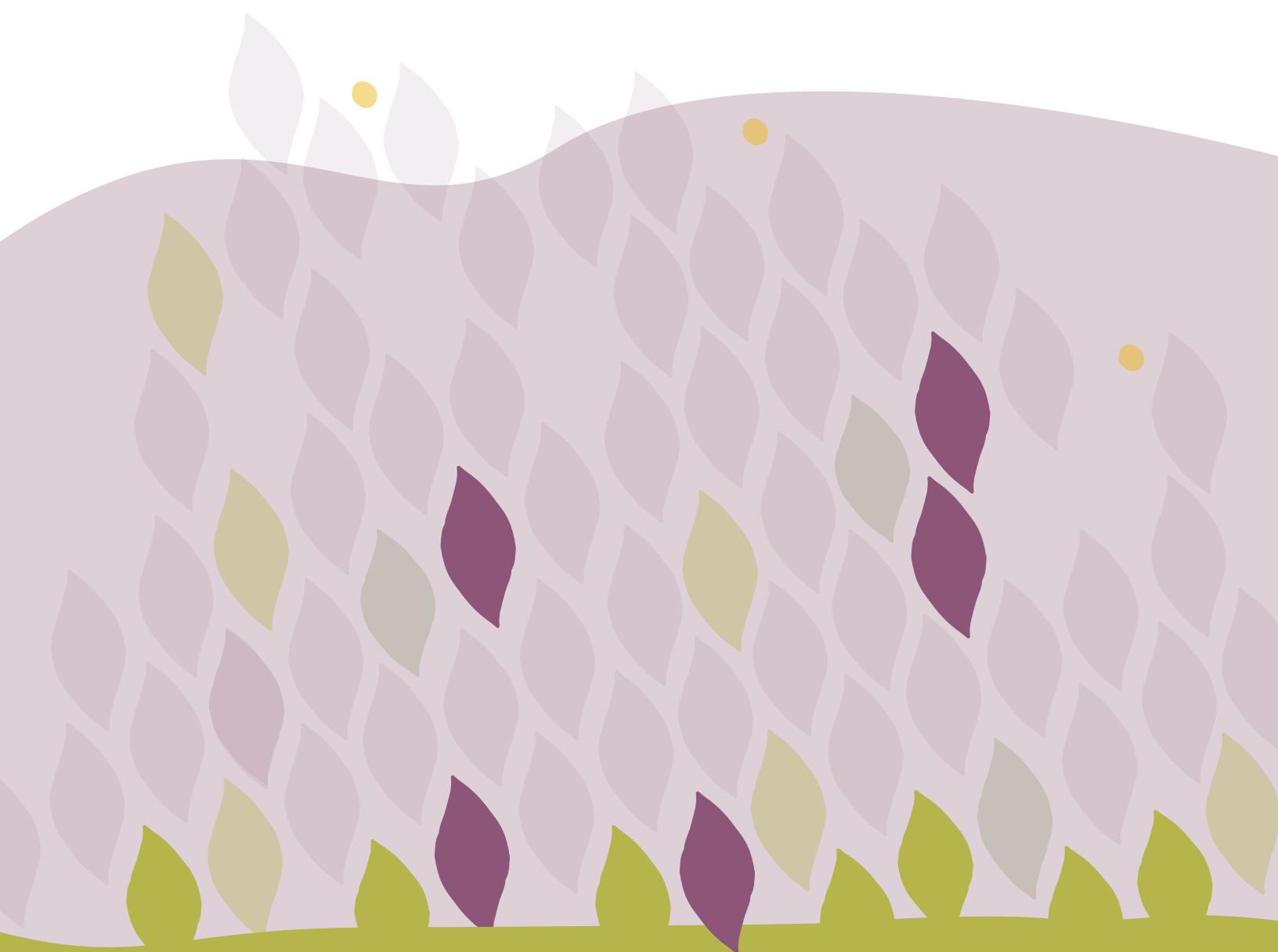


Employment and Assistance
Appeal Tribunal British Columbia

Annual Report 2025/26



Employment and Assistance Appeal Tribunal British Columbia

June 30, 2026

The Honourable Sheila Malcolmson
Minister of Social Development and Poverty Reduction

Dear Minister:

It is my pleasure to present the annual report for the Employment and Assistance Appeal Tribunal of British Columbia covering the period of April 1, 2025 to March 31, 2026. The report has been prepared in accordance with section 20(1) of the Employment and Assistance Act.

A handwritten signature in black ink, appearing to read 'Emily C. Drown', is centered on the page. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Emily C. Drown, B.A., LL.B
Chair, Employment and Assistance
Appeal Tribunal (she/her)

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Mission

The mission of the Employment and Assistance Appeal Tribunal is to provide an independent and accessible appeal process that delivers timely and fair decisions reviewing Ministry of Social Development and Poverty Reduction determinations in regard to income and disability assistance and Ministry of Education and Child Care determinations in regard to child care subsidies.

Message from the Chair

This annual report covers the period of April 1, 2025 to March 31, 2026. This report flags items of importance and initiatives that may be of interest that have affected the Employment and Assistance Appeal Tribunal (the “Tribunal”) during the reporting period.

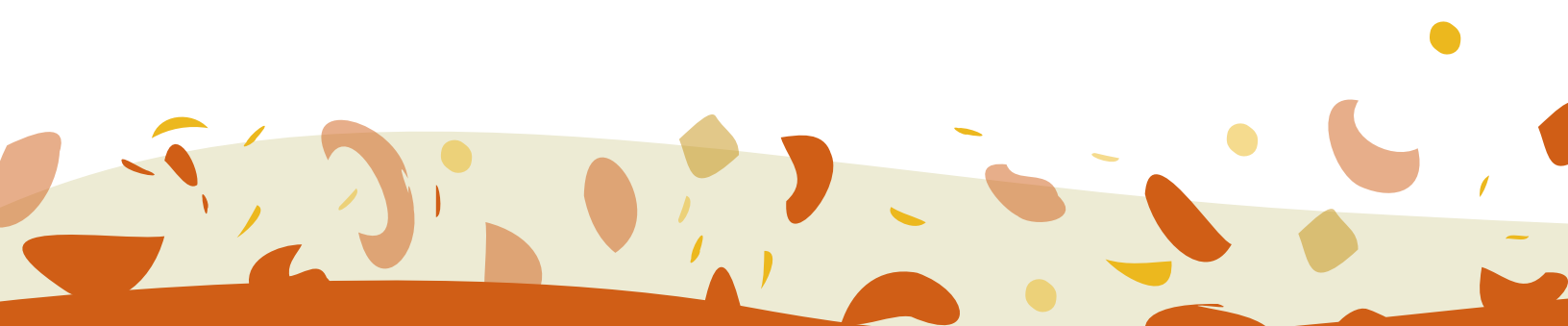
During the reporting period the appeal volume remained steady, albeit slightly elevated from the previous year. Tribunal members report an increase in the complexity of matters being appealed to the Tribunal. This appears to result from a combination of parties providing new medical and financial evidence on appeal and the use of artificial intelligence to create detailed submissions in support of appeals (find more on the use of artificial intelligence later in this report in the section titled “Looking Forward”).

Also of note this reporting period was the prolonged labour action by the BCGEU that affected Tribunal operations. The Tribunal’s office was a “struck” location for six weeks resulting in the Tribunal’s administrative staff being unable to report for work. While staff were very much missed, I am pleased to report that the Tribunal’s 3 excluded staff, Members, Vice-Chair, and Chair were able to keep the Tribunal open and able to fulfill the Tribunal’s statutory mandate. The filing and hearing of appeals proceeded without issue and all legislated timelines were met during this timeframe.

Despite the disruption during the year, the Tribunal implemented a successful pilot project for appeals of denials of crisis supplements whereby these appeals are now heard faster. To do this, such appeals are heard by a single panel member rather than a panel of three. This permits quicker scheduling of the hearing and speedier finalization of the final written decision. Given the urgency of the situations necessitating applications for crisis supplements, this new process allows appeals to be heard much faster with the added bonus of being heard at a reduced cost for the Tribunal.

The Tribunal’s Reconciliation Advisory Committee remained active throughout the reporting period. Highlights of the work of the committee included increased outreach and recruitment efforts to secure new participants for the committee as well as ongoing work towards increasing Indigenous representation at the Tribunal and relationship building.

The Tribunal’s Accessibility Committee also met multiple times during the reporting period, with a focus on reviewing the data received from last year’s Active Sense-Making project with a view to further amending Tribunal processes and procedures for improved accessibility.



In addition to the above, I would be remiss to not also note that I have noticed particular challenges faced by users of the Tribunal over the reporting period:

1. **Medical evidence:** Many appellants, particular those appealing denial of persons with disabilities designation, are struggling to obtain medical evidence to support their application, both at the initial application stage as well as on appeal. I note an increase in lengthy adjournment requests as appellants struggle to find doctors to provide updated medical evidence. A review of appeal records also indicates that many appellants report struggling to obtain medical evidence for their application as they do not have a family doctor. Even when doctors are available, it often takes significant time for appellants to obtain medical evidence in support of their appeal. Given the importance reliable medical evidence plays in persons with disabilities designation, those without access to a family doctor face barriers in their application for persons with disabilities designation. Further, many legal advocates have reported that even when medical evidence is available, the cost to procure supplementary reports or letters in support of an appeal is prohibitive.
2. **Pre-Approval:** Many supplements under the Employment and Assistance Act and Employment and Assistance for Persons with Disabilities Act require individuals to obtain pre-approval from the Ministry in order to qualify for the supplement. Examples of such items include moving supplements and health supplements for orthoses. Unfortunately, many applicants are not aware that pre-approval from the Ministry is required in order to qualify for the supplement. In many cases, applicants are told by service providers that “the Ministry will pay” or that “they are entitled to reimbursement from the Ministry”. Accordingly, these individuals do not seek pre-approval from the Ministry and are not reimbursed for the expenses they have incurred in purchasing the necessary item(s), on credit in the majority of instances. In most of the cases at the Tribunal where pre-approval is the issue, the appellant would have qualified for the benefit if they had sought pre-approval.
3. **Lack of awareness of government programs:** Like the issues noted above with pre-approvals, I note that the Tribunal has seen an increase in individuals unsuccessfully seeking retroactive approval for various government benefits, particularly the affordable child care benefit administered by the Ministry of Education and Child Care. Most of these individuals would have qualified for the benefits earlier, but were not aware that the program existed and did not know they could apply for payment of the benefit. As the legislation does not permit benefits to be paid retroactively, these individuals miss out on funding that would otherwise be available to them.

I would like to thank the Tribunal's staff, members, Reconciliation Advisory Committee, and Accessibility Committee for their dedication and work over the past year. Everyone rose to the various challenges faced during the reporting period and worked to ensure that the Tribunal was able to fulfill its mandate and provide accessible and timely appeal processes.

Finally, I would like to thank the users of the Tribunal, advocates, members of the public, and other stakeholders that have contacted me over the reporting period with complaints, compliments, and suggestions for improvement. I always appreciate hearing from you and through these interactions gain new insight into how the Tribunal needs to incorporate continuous process improvements in order to best serve the needs of the people of British Columbia.

I am grateful for the opportunity to serve as Chair of the Employment and Assistance Appeal Tribunal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emily C. Drown', with a stylized, flowing script.

Emily C. Drown, B.A., LL.B
(she/her)

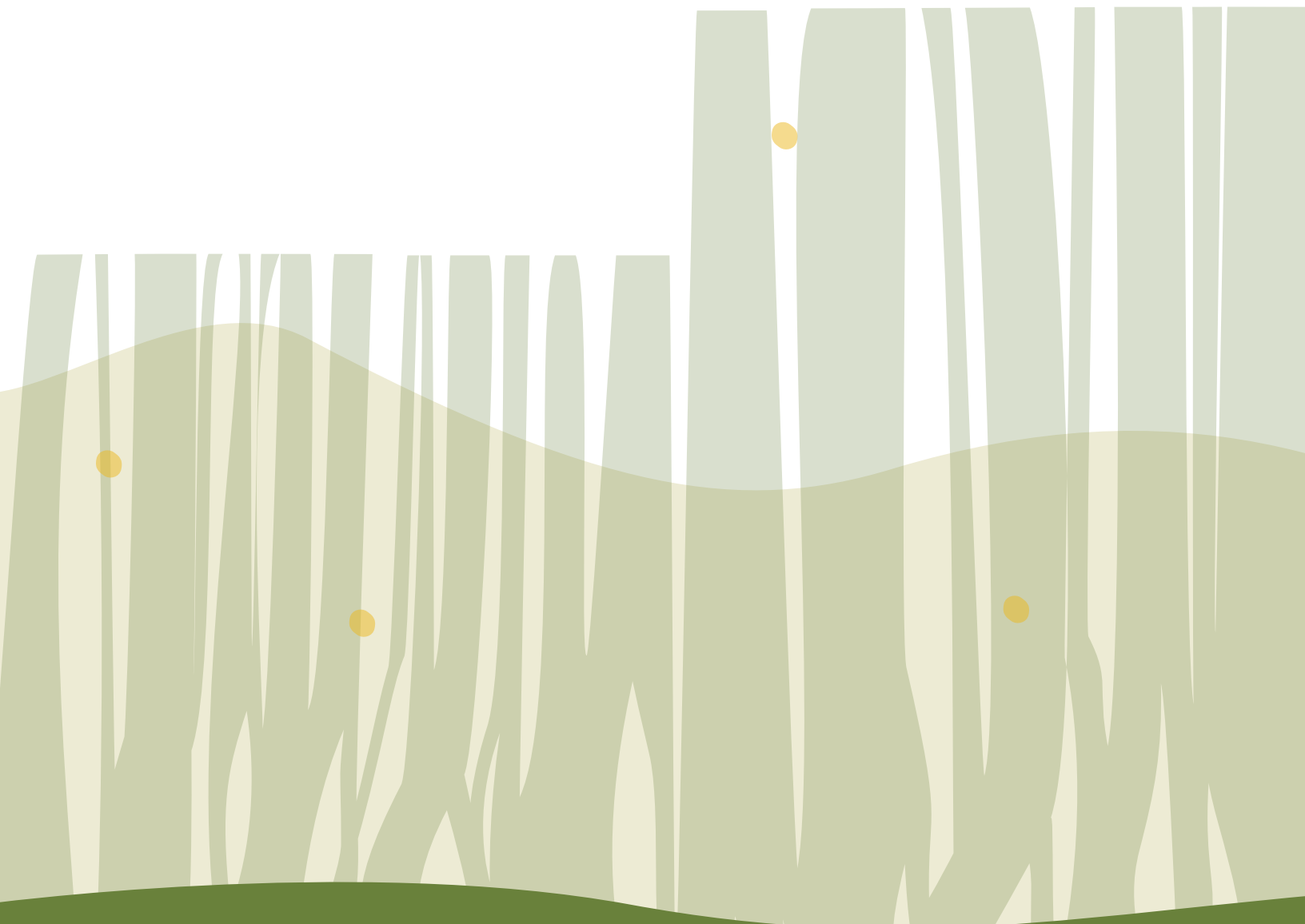
Vision

The Employment and Assistance Appeal Tribunal will be known for:

Providing an independent, ethical, community-based appeal process which is accessible and conducted in a fair, timely and respectful manner.

Supporting members to provide quality service to promote public confidence in the integrity and competency of the Tribunal.

Creating a healthy work environment that supports staff to provide quality service and to continually learn and develop knowledge, skills and expertise.



Who We Are and What We Do

The Employment and Assistance Appeal Tribunal

The Tribunal was established on September 30, 2002 to hear appeals of most types of decisions made by the Ministry of Social Development and Poverty Reduction under the income assistance and disability assistance programs. Since 2006, the Tribunal also hears appeals of decisions made by the Ministry of Education and Child Care under the child care subsidy program. The Tribunal provides a streamlined and efficient one-step appeal process and is independent of both Ministries.

The Tribunal's authority is established under section 19(1) of the *Employment and Assistance Act*.

The Tribunal hears appeals of reconsideration decisions that refuse, reduce or discontinue income assistance, disability assistance or a supplement; reconsideration decisions regarding the amount of a supplement; and reconsideration decisions that refuse to grant hardship assistance under:

Section 17 of the *Employment and Assistance Act*, and

Section 16 of the *Employment and Assistance for Persons with Disabilities Act*.

The Tribunal also hears appeals of reconsideration decisions that refuse, reduce or discontinue a subsidy under:

Section 6 of the *Child Care Subsidy Act*.

The Tribunal consists of a Chair, a Vice Chair, 10 staff and, during the reporting period, 60 Members located throughout the province. (See Appendix A for a list of staff and Appendix B for a list of Members.)

Tribunal Members

Members are appointed by the Minister of Social Development and Poverty Reduction after a merit-based process and consultation with the Tribunal Chair.

Candidates

To be considered for appointment to the Tribunal, a person must have an understanding of the essential elements for the conduct of a fair and objective hearing and the key aspects of the relevant legislation, among other requirements, as per section 82 of the Employment and Assistance Regulation.

Members commit to respect diversity and are expected to possess the ability to interpret and apply legislation, write decisions in a clear and concise manner, communicate clearly and effectively, and be proficient in the use of computers and common software applications.

The application process is conducted using an interactive online program that provides information to prospective members so that they can acquire and demonstrate the prescribed knowledge and skills prior to consideration for appointment.

The online process enables recruitment from a broader sector of the community and has enhanced the efficiency of the application process. References and criminal record checks are completed prior to a recommendation for appointment.

To ensure independence and that hearings are fair and just, a member must not:

- be or have been an employee of the Ministry of Social Development and Poverty Reduction, Ministry of Education and Child Care or the Ministry of Children and Family Development in the past six months,
- be an employee of the provincial government,
- be a recipient of benefits under any of the acts for which the Tribunal has responsibility, or
- have any real or perceived interest in matters that come before the Tribunal.



Members

Members must complete initial training before being appointed to hear an appeal with an experienced panel chair who serves as a mentor.

Once Members have attended a number of hearings and feel comfortable in the role of an adjudicator they are then assigned the role of panel chair. When assigned the role of panel chair, a mentor will be appointed to provide support and guidance. Further coaching occurs at the decision review stage to ensure that the decision meets the legislative requirements outlined in section 87(1) of the Employment and Assistance regulation.

Reappointment of Members

Members are appointed initially for a period of two years and may be reappointed for further terms of two or four years. Member performance is evaluated prior to making recommendations to the Minister of Social Development and Poverty Reduction for reappointment. The Competency Assessment, which clarifies the requirements and expectations of members, is used for coaching and evaluation. During the reporting period, 17 members were reappointed, and 8 new member's were appointed.

NOTE: The Tribunal is recruiting new Members, particularly from more rural areas of the province. Anyone interested in being considered for appointment should refer to the Tribunal website, www.eaat.ca, or the Crown Agencies and Board Resourcing Office website www.gov.bc.ca/cabro, for information on how to apply.



The Appeal Process

The Tribunal hears appeals of reconsideration decisions made by the Ministry of Social Development and Poverty Reduction on income and disability assistance and the Ministry of Education and Child Care on child care subsidies. A person must receive a reconsideration decision prior to requesting an appeal from the Tribunal. The appeal process, which is set out in the *Employment and Assistance Act* and Regulation, is the same regardless of which ministry made the reconsideration decision.

A person who applies for or receives assistance under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act* can request reconsideration of a decision that resulted in refusal, reduction or discontinuance of income or disability assistance, or a supplement; a decision regarding the amount of a supplement; or a decision that refuses to grant hardship assistance. More information about the Ministry of Social Development and Poverty Reduction's reconsideration process is available from the ministry's offices by calling 1-866-866-0800 or by visiting their website.

A person who applies for or receives a child care subsidy can request reconsideration of a decision that resulted in the refusal, discontinuance or reduction of a child care subsidy. More information about the Ministry of Education and Child Care's reconsideration process can be obtained by calling 1-888-338-6622.

Those who disagree with the outcome of their request for reconsideration from either ministry can, in most cases, appeal to the Employment and Assistance Appeal Tribunal. They must submit a Notice of Appeal form to the Tribunal within twenty business days of receiving their reconsideration decision.

Upon receipt of a completed Notice of Appeal, the Tribunal decides whether the matter can be appealed. Considerations include whether the Notice of Appeal was submitted within the prescribed timelines and whether the issue is appealable under the legislation.

If the matter is eligible for appeal, a panel of up to three members is appointed and the appeal is heard within 15 business days from the day that the completed Notice of Appeal was received by the Tribunal. The time prior to hearing an appeal may be extended by consent of the

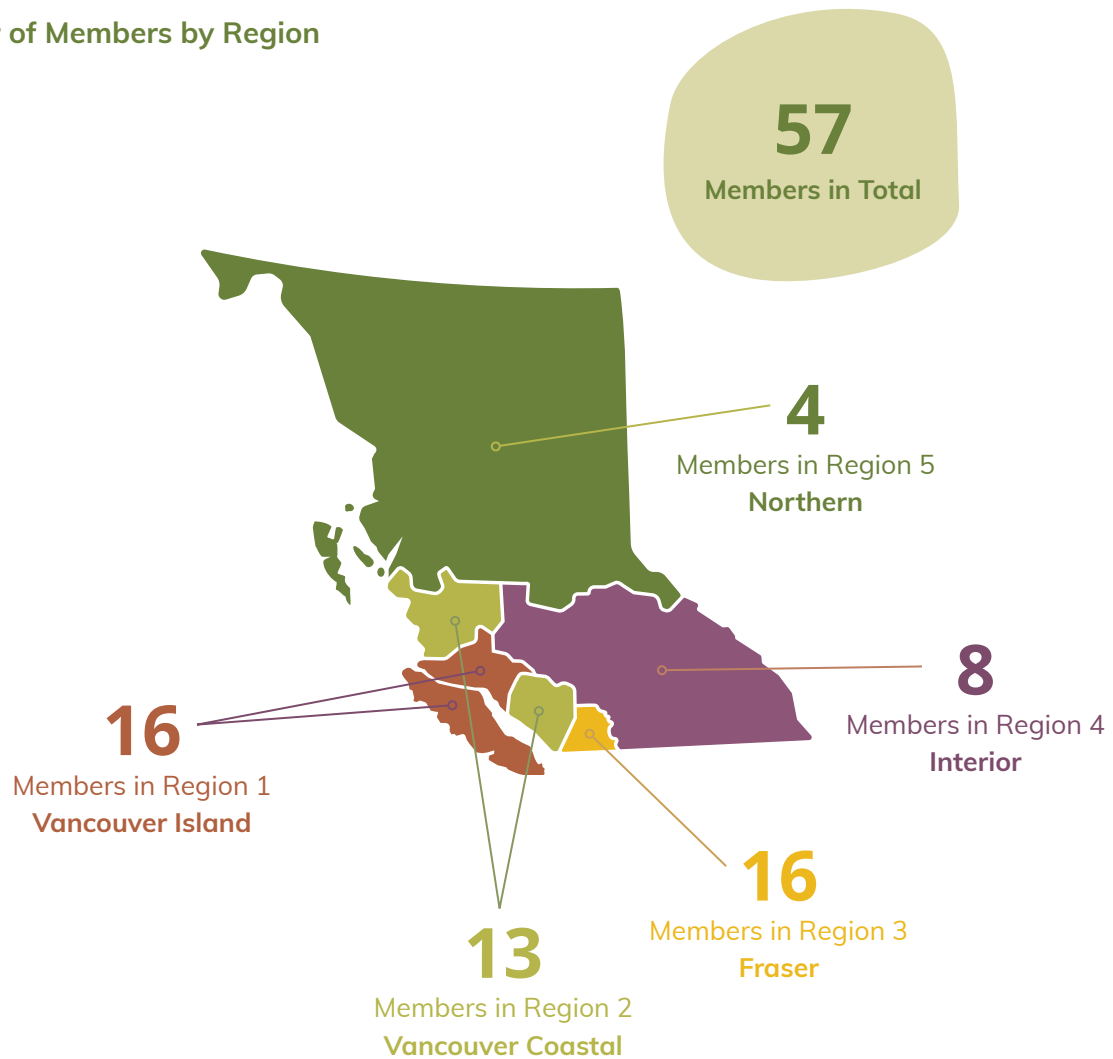


parties and approval of the Tribunal Chair. Hearings are conducted in person, usually in or near the appellant's community, by teleconference, by video-conference or, if both parties consent, in writing.

The panel reviews the ministry's reconsideration decision and the appeal record, considers any evidence provided by the appellant or the ministry, and provides a written decision to the Tribunal, generally within five business days of the hearing. This time limit may be extended by no more than 10 additional business days if the Tribunal Chair is satisfied that the panel is making all reasonable efforts to provide its determination in a timely manner, and the best interests of the parties are served by the extension. The Tribunal sends a copy of the decision to the appellant and the ministry within five business days of receiving it from the panel.

NOTE: Summaries of certain Tribunal decisions are included in Section 4, "What Our Decisions Look Like." Tribunal decisions issued since 2012 are available on the Tribunal's website: www.eaat.ca

Number of Members by Region



The Appeal Process

If a person disagrees with a reconsideration decision from the ministry, they may submit a Notice of Appeal to the Employment and Assistance Appeal Tribunal. There are two parties to an appeal: the person requesting an appeal ("appellant") and the ministry.



A person has **20** business days to submit a Notice of Appeal to the Tribunal with a choice of:

ORAL



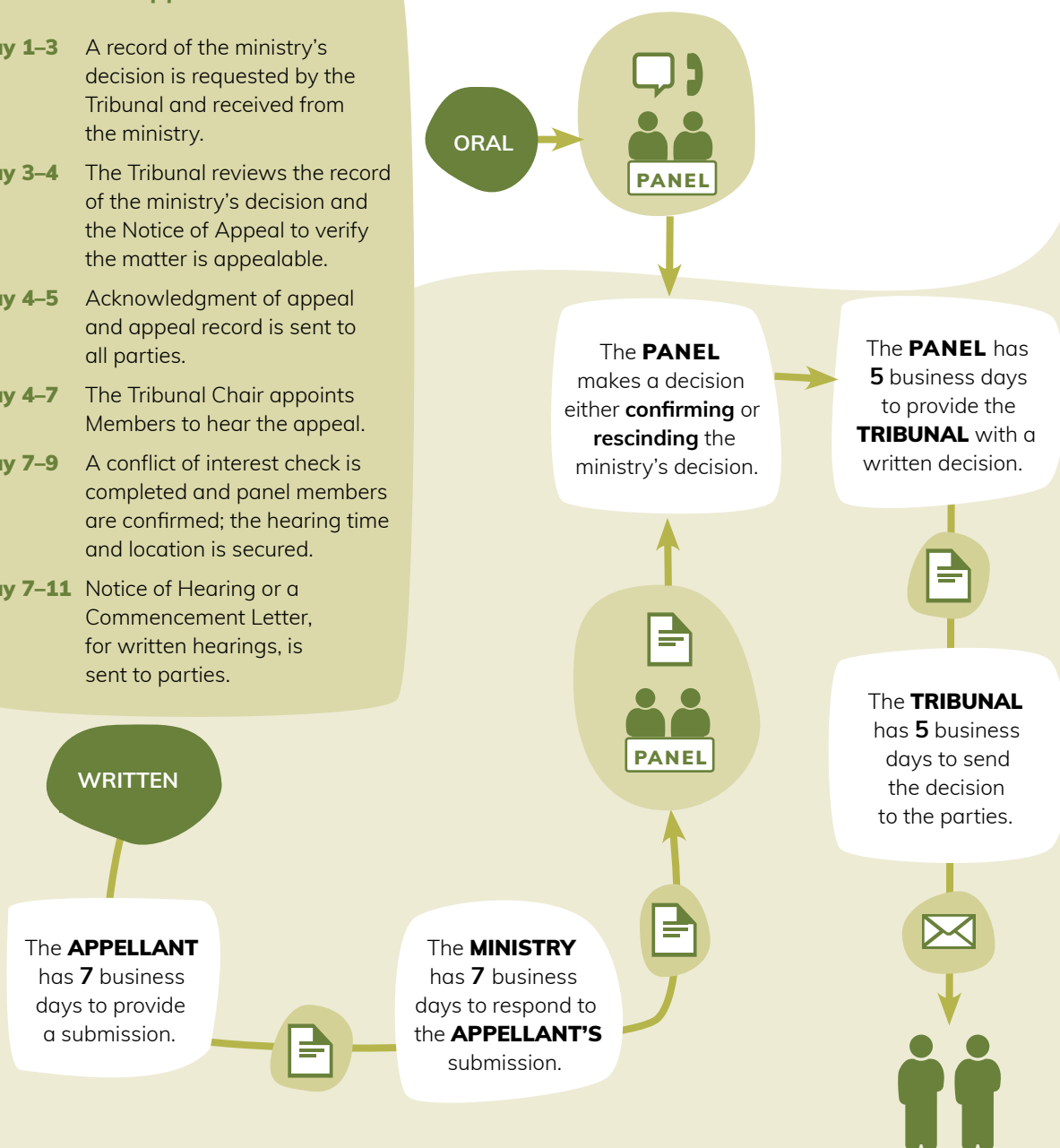
In person, by tele-conference or by video-conference.

WRITTEN



When an Appeal is Initiated

- Day 1-3** A record of the ministry's decision is requested by the Tribunal and received from the ministry.
- Day 3-4** The Tribunal reviews the record of the ministry's decision and the Notice of Appeal to verify the matter is appealable.
- Day 4-5** Acknowledgment of appeal and appeal record is sent to all parties.
- Day 4-7** The Tribunal Chair appoints Members to hear the appeal.
- Day 7-9** A conflict of interest check is completed and panel members are confirmed; the hearing time and location is secured.
- Day 7-11** Notice of Hearing or a Commencement Letter, for written hearings, is sent to parties.



If You Want to Appeal

How to Appeal

If you disagree with the ministry's reconsideration decision you may file an appeal within 20 business days.

Type of Hearing

You can have your hearing in person, via tele-conference, video-conference or in writing. We will do our best to hold the type of hearing you request. Sometimes we are unable to do so. If that is the case, we will let you know. In most cases a panel of three members of the Tribunal will hear your appeal.

In-Person Hearing

An in-person hearing is where the parties and the panel members hearing the appeal meet in person. At the hearing, the panel will listen to the parties and any witnesses. The panel will also look at any written material or submissions sent to the Tribunal. You will have an opportunity to ask questions of the ministry representative. You might have to answer questions from the ministry representative. The panel members might also ask you questions. The ministry representative or a panel member might attend the hearing by telephone. After the hearing, the panel will make its decision. We will send you a letter setting out the time and location of an in-person hearing.

Teleconference Hearing

A teleconference hearing is a hearing held by telephone. At the hearing, the panel will listen to the parties and any witnesses. They will also look at any written material

Prepare for Your Hearing

In this brochure you will find the following information:

- ✓ How to prepare for your hearing;
- ✓ The types of hearings you can have;
- ✓ How to move your hearing to a later date or cancel your appeal; and
- ✓ What happens after your hearing.

Employment and Assistance
Appeal Tribunal British Columbia

or submissions that you have sent to the Tribunal. You may ask questions of the ministry representative. You might have to answer questions from the ministry representative. The panel members might also ask you questions. After the hearing, the panel will make its decision. We will send you a letter with the time of your hearing and instructions for joining the teleconference.

Video-conference Hearing

A video-conference hearing is a hearing by video-conference. At the hearing, the panel will listen to the parties and any witnesses. They will also look at any written material or submissions that you have sent to the Tribunal. You may ask questions of the ministry representative. You might have to answer questions from the ministry representative. The panel members might also ask you questions. After the hearing, the panel will make its decision. You will need to have a computer or mobile phone that can do video-conferencing. We will send you an email with the time of your hearing and a link to join the video-conference.

Written Hearing

A written hearing is a hearing held by the exchange of written submissions and evidence. The Tribunal will forward any material you send us to the ministry, and they will reply in writing. You will receive a copy of anything the ministry sends to the Tribunal. The panel will look at the

documents the ministry had when it made its decision. The panel will also look at any new material submitted by the parties. The panel will not speak with you, any witnesses or the ministry. After reviewing the material, the panel will make its decision. We will send you a letter setting out a schedule for sending us your evidence and submissions.

After the Hearing

After the hearing, the panel will make its decision and we will send you their written decision. The panel will either confirm or rescind the ministry's decision. Confirming means that the ministry's decision stays in place. Rescinding means that your appeal was successful.

Decisions of the Tribunal are final decisions. If you have a complaint about your hearing or the decision you have three options:

1. Judicial Review

You can file a petition in the B.C. Supreme Court asking a judge to review the decision.

2. Complaint to the Tribunal

You can call or write to the Tribunal Chair.

3. Office of the Ombudsperson

You can contact the Office of the Ombudsperson if you feel that we were unfair.

How We Did in 2025/26

Meeting the timelines established by the legislation is one way of measuring the Tribunal's performance. The Tribunal must hold a hearing within 15 business days of receiving a Notice of Appeal; a party must receive a notice of hearing at least two business days prior to the hearing; the panel must provide the decision to the Tribunal Chair within five business days of the hearing and the Tribunal must mail the decision to the parties with five business days of receiving it from the panel. One legislated timeline was missed due to an employee administrative error.

Summary of Appeals Statistics

458

Notices of
Appeal Received

22

Appeals Dismissed
by the Parties

51

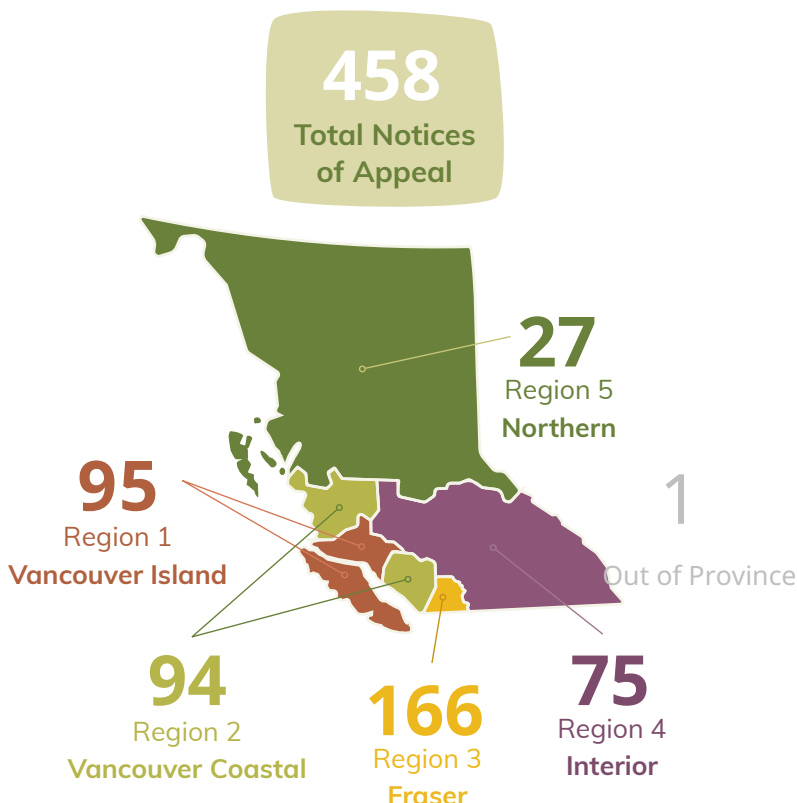
Appeal Files Assessed
Not Within the Jurisdiction
of the Tribunal

54

Appeals
Carried Over*

*Appeals opened between
01/04/2025 and 31/03/2026
and not either closed, heard
or rejected by 31/03/2026.

Notices of Appeal by Region



Appeal Outcomes

The total number of Notices of Appeal received differs from the number of appeals closed because of files carried over from the previous year or into the following year and various other factors. The number of decisions confirmed and rescinded may not equal the number of appeals heard for similar reasons. The following statistics relate to appeal files that were closed in this reporting period.

Appeal Files with a Disposition by Appeal Type

4	20 Business Days
6	Bus Pass
19	Child Care
85	Crisis Supplement
2	Lost/Stolen Cheque
5	Moving Supplement
14	Other
9	Overpayment
38	Unknown - Ministry Process Incomplete

Eligibility

1	Dependency/Living	18	Full time student
9	Effective Date	10	Inc/Earning Exemption
10	Eligibility Audit	4	Residency
42	Excess Inc/Asset	5	Shelter Allowance
4	Failure to provide information		

Health Supplement

9	Dental	7	Med Transport	4	Orthoses
3	Diet/Natal	7	MNS	4	S/T Nutritional
21	Med Equipment	1	MSP/Other		
3	Med Supplies	1	Optical		

Disabilities

2	PPMB	107	PWD
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Ministry of Social Development and Poverty Reduction

358	Appeals heard
269	Decisions confirmed
89	Decisions rescinded

Ministry of Education and Child Care

23	Appeals heard
16	Decisions confirmed
7	Decisions rescinded

Judicial Review Outcomes

The Tribunal received no petitions for judicial review in the reporting period.
No judicial review outcomes were received during the reporting period.

Public Interest Disclosure Act

As of April 1st, 2025, the Tribunal was designated as a government body under the Public Interest Disclosure Act. The Tribunal has established procedures and provided information as required by the Act.

The Tribunal received no disclosures in the reporting period.

Appellants who consented to Email Communications

375 Consent

83 No Consent

Cases with a Special Status

24 Accessibility

48 Interpreter

Languages requested for Interpreters

1 Amharic

2 Pashto

9 Arabic

4 Punjabi

4 ASL

2 Russian

1 Cantonese

1 Somali

12 Farsi

1 Tagalog

3 French

1 Tamali

1 Korean

1 Urdu

1 Kurdish

1 Vietnamese

3 Mandarin

What Our Decisions Look Like

CASE 1 Affordable Child Care Benefit

Ministry Decision

The Ministry decision stated the Appellant was not eligible for the Affordable Child Care Benefit from January 1, 2025 through June 30, 2025 in accordance with section 20 of the Early Learning and Child Care Regulation ("Regulation"). Specifically, the Ministry stated that section 20 of the Regulation states that child care benefits must be paid from the first day of the month in which the application for the benefit is completed.

Method of Hearing

The hearing was held by teleconference. The appellant was present, but the Ministry did not attend the hearing. The hearing proceeded under section 86(b) of the Employment and Assistance Regulation, which permits hearings to proceed in the absence of a party provided they received adequate notice of the hearing.

Summary of Facts

The Appellant completed an application for the Affordable Child Care Benefit on July 31, 2025. The Affordable Child Care Arrangement form shows that child care was provided starting January 1, 2025. An Affordable Child Care Benefit Medical Condition form shows that child care was needed due to a serious temporary illness in the family, which began in May 2025. The Ministry determined the family was eligible for child care benefits starting July 1, 2025.

The Appellant filed a Request for Reconsideration noting that her partner had been on medical leave and had been working in a reduced capacity since January 2025. The Appellant stated that it took time for the family's doctor to complete and return the form required for the Affordable Child Care Benefit application. The Appellant stated the family is facing hardship as the appellant is now the sole provider for the family and with a partner facing serious illness she must also perform all

household duties. She submitted back-pay of the child care benefit would relieve some of the debt the family had accumulated during this period of illness and remove some stress from the family. At reconsideration the Ministry denied the Appellant's request to backdate the child care benefit.

On appeal, the Appellant submitted that the family would have qualified for the child care benefits but did not apply in a timely manner due to extenuating circumstances related to her partner's illness. She submitted that if their doctor had returned the form within a week of their request they would have been able to complete the application and apply for funding starting June 1, 2025, but the clinic made an error that caused the form to be delayed. In support of this position, the Appellant provided copies of a number of emails showing when the various forms were sent to, and were received back from, the medical clinic.

At the hearing, the Appellant stated she understood the Ministry's decision was correct according to the legislation, but asked for some understanding due to the extenuating circumstances facing her family. The Appellant also confirmed that she was only seeking back-dated benefits for the period of May 1 to June 30, 2025.

The panel hearing the appeal admitted the additional evidence provided by the Appellant on appeal as new evidence necessary for full and fair disclosure of all matters in the appeal pursuant to section 22(4) of the *Employment and Assistance Act*.

Tribunal Decision

The panel confirmed the Ministry's Decision.

Reasons for the Decision

The panel noted that section 9(1) of the Regulation states that a parent may apply for a

child care benefit by completing and submitting an application in the form required by the Minister and that the Appellant completed the necessary form for Affordable Child Care Benefits on July 31, 2025.

The panel further noted that section 20(1) of the Regulation states that the Minister may pay a child care benefit to a parent from the first day of the month in which the parent completes an application under section 9 of the Regulation. The panel found that the evidence showed the Appellant completed the application on July 31, 2025, and accordingly, the Ministry reasonably determined the Appellant was eligible for child care benefits effective July 1, 2025.

The panel noted that Section 20(2) of the Regulation provides an exception that permits backdating the start date of receipt of child care benefits up to 30 days where an administrative error is made. While the Appellant submitted the medical clinic made an error, the panel reviewed the timeline shown by the various emails submitted and held that the approximately two weeks taken for the medical clinic to return the form was not an unreasonable amount of time to process the form. Accordingly, the panel determined that the delay caused by the medical clinic's delayed return of the form could to be considered an administrative error triggering backdating.

The panel acknowledged that the Appellant requested an exception due to the extenuating circumstances facing her family. However, while sympathetic to the Appellant's situation, the panel noted it was bound by the legislation and the legislation does not allow either the panel or the ministry discretion for extenuating circumstances.

What Our Decisions Look Like

CASE 2 Health Supplement

Ministry Decision

The Ministry decision denied the Appellant a health supplement for custom foot orthoses and assessment fees. The Ministry found the Appellant did not qualify for the supplement as he had not obtained pre-approval from the Ministry for the purchase as required by section 3(1)(B)(1) of Schedule C of the Employment and Assistance for Persons with Disabilities Regulation (the “Regulation”) and the amount sought was more than the \$450.00 maximum permitted by section 3(10)(3)(e) the Regulation.

Method of Hearing

The hearing was a written hearing, proceeding on the record and any written submissions from the parties.

Summary of Facts

On March 4, 2025, the Appellant purchased custom foot orthoses as evidenced by \$850.00 of invoices and receipts from a podiatric clinic for custom foot orthoses and assessment fees. On March 5, 2025, the Appellant submitted a request to the Ministry for reimbursement of the \$850.00. On March 19, 2025 the Appellant’s podiatrist completed an “Orthoses Request and Justification Form”. The Ministry denied the request on May 13, 2025.

The Appellant filed for reconsideration on May 26, 2025, noting:

- he knew the consultation fees were not coverable but requested the \$670 for orthoses be covered;
- over the last 19 years of receiving disability assistance he has received very limited information from the ministry;
- he looked on the Ministry’s mySelfServe online platform and did not see anything about pre-approval being required;
- the podiatrist filled out the proper documentation;
- it is a shortcoming that the Ministry does not provide information in a simple and relevant fashion to clients with disabilities;

- the information and legislation is not easily attainable and the burden should not fall to the client; and
- he had provided supporting documents including receipts and invoices.

The Ministry denied the Appellant at reconsideration and the Appellant appealed to the Tribunal.

As part of the written hearing process the Appellant provided written submissions in support of his appeal. In those submissions the Appellant reiterated many of the statements made at the time of reconsideration, and also noted:

- he had made requests in the past and as long as he paid with his credit card, he was later reimbursed;
- there is no mySelfServe online service request for medical assistive devices;
- he wonders why coverage for orthoses could not be dealt with at the time of provision like it is with dental aid;
- pre-approval requirements need to be clearly stated to clients beforehand; and
- the majority of persons with disabilities are unaware of the Ministry’s specific requirements for each type of service request.

The Ministry relied on its reconsideration decision and did not provide written submissions on appeal.

In so far as the Appellant’s written submissions contained new evidence, the panel hearing the appeal admitted this evidence as new evidence necessary for full and fair disclosure of all matters in the appeal pursuant to section 22(4) of the *Employment and Assistance Act*.

Tribunal Decision

The panel confirmed the Ministry’s decision.

Reasons for the Decision

The panel advised that it had to follow the legislation and the legislation required authorization to be obtained from the Ministry prior to the purchase of orthoses in order for the Appellant to qualify for reimbursement. While the Appellant submitted that the Ministry did not properly advertise or advise the Appellant that pre-approval was necessary, the panel stated that it must follow the requirements of the legislation. Accordingly, the panel found that as the Appellant did not seek pre-approval from the Ministry prior to purchasing the orthoses that the Ministry's decision to not reimburse the Appellant was a reasonable application of the legislation in the circumstances of the Appellant.

What Our Decisions Look Like

CASE Persons with Disabilities Designation

Ministry Decision

The Ministry decision denied the Appellant designation as a person with disabilities (PWD) under section 2 of the *Employment and Assistance for Persons with Disabilities Act*. The Ministry found the Appellant met the requirements for age (over 18) and duration of impairment (at least 2 years). However, the Ministry was not satisfied that:

- the Appellant had a severe mental or physical impairment;
- in the opinion of a prescribed professional, the severe impairment directly and significantly restricted daily living activities continuously or periodically for extended periods; and
- in the opinion of a prescribed professional, the Appellant needed help to do restricted daily living activities.

Method of Hearing

The hearing was held by teleconference. The Ministry and Appellant were both in attendance. The Appellant was accompanied by an advocate.

Summary of Facts

At Reconsideration the Ministry had the Appellant's application for PWD designation as well as two letters from the Medical Clinic the Appellant attended. The application included a Medical Report and Assessor Report, both completed by the Appellant's doctor.

Medical Report

The doctor set out that the Appellant had been diagnosed with long standing drug and alcohol use disorder, COPD, and obstructive sleep apnea (OSA). The doctor stated that the Appellant felt these conditions caused physical discomfort and limited his physical ability and energy levels making him less able to manage

day to day activities. The doctor reported that the Appellant had a CPAP machine for OSA, but reported difficulty sleeping at night.

The doctor noted that the Appellant could walk 4+ blocks, climb 5+ stairs, lift 7-16 kg, remain seated for 1-2 hours and did not have difficulties with communication. The doctor noted significant deficiencies with cognitive and emotional function in the area of memory and made particular note that the Appellant would become fidgety and experience discomfort with long periods sitting, showed functional decline with lifting, and had poor short term memory.

With respect to daily living activities, the doctor noted the Appellant had periodic restriction in ability to perform housework, daily shopping, mobility outside the home, use of transportation and social functioning. Where given the chance to comment on these periodic restrictions the doctor noted "at times when feeling too weak to perform". The doctor noted the Appellant was continuously restricted in managing finances.

With respect to the need for help, the doctor stated that the patient declines help, but would benefit from rehabilitation and physical recovery.

Assessor Report

The doctor set out that the Appellant had insomnia and historical drug and alcohol use disorder. The doctor noted the Appellant was independent in all areas, with good speaking and satisfactory other communication skills. With respect to cognitive and emotional functioning, the doctor noted there was no impact with insight and judgment or language, minimal impact with impulse control, executive function, motivation, and motor activity. The doctor also noted moderate impact with consciousness, emotion, psychotic symptoms,

neuro-psychological issues, and major impact with bodily functions, attention/concentration, and memory. The doctor noted the Appellant reported difficulty with long periods of sitting, distractions and poor short-term memory.

With respect to daily living activities the doctor indicated the Appellant was independent with all activities other than paying rent and bills and noted that the appellant needed periodic assistance from his father for these tasks. With respect to social functioning, the doctor noted the Appellant was independent in most areas requiring periodic assistance with interacting appropriately with others and able to deal appropriately with unexpected demands noting the Appellant can become easily frustrated and angry.

Additional Evidence

On appeal, the Appellant submitted further evidence from his doctor. In a letter the doctor restated his earlier diagnoses but also noted the Appellant experiences generalized anxiety disorder and psychosis depression. The doctor noted that the Appellant “is directly and significantly restricted in his capability to do his daily living activities continuously” as a result of his impairments and “requires significant help to perform the activities”. The doctor provided more detail about the Appellant’s physical restrictions, noting while the Appellant can physically perform a number of daily living activities, he is unable to perform them due to chronic fatigue, lack of motivation, depression, etc. In this regard, the doctor noted a number of significant restrictions with basic mobility, sitting and standing, laundry and housekeeping, shopping, meals, medications, and transportation. The doctor also reported that the Appellant experienced significantly more impact from mental health symptoms than noted in the Medical Report or Assessor Report.

At the hearing the Appellant stated that his sibling provides help about three times per week and another sibling comes by one or two times per week. The Appellant also stated that his siblings provide help with shopping, transportation, financial assistance, meals, and motivation.

The panel hearing the appeal admitted this additional evidence as new evidence necessary for full and fair disclosure of all matters in the appeal pursuant to section 22(4) of the *Employment and Assistance Act*.

Tribunal Decision

The panel rescinded the Ministry’s decision.

Reasons for the Decision

Severe Impairment

The panel found the Ministry reasonably decided that severe physical impairment was not established because clear evidence about the severity of the impact of COPD and OSA on the Appellant’s physical functioning was not provided by the doctor or by the Appellant who linked his impairment to his alcohol and drug use disorder.

The panel found the Ministry’s decision that severe mental impairment was not established was no longer reasonable based on the doctor’s new evidence of additional mental health diagnoses and their impacts on the Appellant’s functioning.

Restrictions to Daily Living Activities

The panel found the new evidence submitted showed restrictions caused by the severe mental impairment in more than two daily living activities and accordingly found the Ministry’s decision that daily living activities were not restricted unreasonable.

Need for Help

The panel found the Ministry’s decision that the help criterion was not met was also no longer reasonable as the new evidence showed that the Appellant needed help to perform daily living activities as a result of a severe impairment.

Our Organizational Values

In carrying out its mission, the Employment and Assistance Appeal Tribunal is guided by the following values:

Fairness

Impartiality

Excellence

Efficiency

Timeliness

Accessibility

Accountability

Transparency

Independence

Looking Forward

Looking forward to the 2026/27 fiscal year, I anticipate that annual appeal volumes will continue to increase. At the time of writing this report, I project the Tribunal will see a 15% to 20% increase in appeal volumes during the 2026/27 fiscal year. This anticipated increase in appeal volume will strain human resources at the Tribunal, particularly for front line appeal coordinators. Should appeal volumes increase as forecast, the Tribunal may need to increase its number of appeal coordinators in order to meet legislative timelines with respect to the scheduling of appeal hearings.

Sadly, I have also noted increased security concerns from the Tribunal's staff and Members. The Tribunal has a robust safety plan; however, with the changing social landscape and a rising disregard for the rule of law, I will be directing further safety analysis be conducted in order to ensure that staff, Members, and all parties to appeals at the Tribunal are able to remain safe throughout the appeal process.

The Tribunal's front-line staff and Members also report more encounters with appellants threatening self harm. While the Tribunal has always striven to be trauma informed, over the coming year, more training in trauma informed hearing processes and trauma informed writing will be provided to the Tribunal's staff and Members.

As mentioned earlier in this Annual Report, the use of artificial intelligence is increasing and its use presents problems for the Tribunal. While the use of artificial intelligence can be helpful for parties wishing to format their submissions, the tendency artificial intelligence has to fabricate case law and misstate legislation is not helpful to anyone. When fake evidence, case law, and submissions are generated by artificial intelligence, those relying on the submissions to support their cases are often given false assurance of the merits of their appeal. Further, Tribunal members must spend substantial time sorting through the materials provided in an effort to determine what is real and what has been fabricated by artificial intelligence. Accordingly, the Tribunal will soon be releasing Guidelines on the Use of Artificial Intelligence to caution parties about the risks of using artificial intelligence to create submissions.

Carrying over from last year's Annual Report, I continue to be concerned about those individuals that do not appeal denials of assistance to the Tribunal. During the reporting period, the Tribunal rescinded 28% of decisions appealed that progressed to hearing at the Tribunal during the reporting period. This means that 28% of appellants received benefits that they would have been denied if not for the appeal process. While many of these appeals were successful because appellants filed new evidence on appeal, this is not the case for all successful appeals.

I remain concerned about the population that chooses not to appeal to the Tribunal, as many may be missing the opportunity to receive benefits they qualify to receive. As I stated last year, many of the individuals that choose not to file appeals with the Tribunal have good reasons for not doing so. These may include historic barriers to accessing services such as lack of information and/or understanding about Tribunal processes and a lack of trust in both government and the justice system. The Tribunal is committed to continuing to work to identify and remove such barriers so everyone can benefit from the important work the Tribunal does. In particular, both the Tribunal's Reconciliation Advisory Committee and Accessibility Committee will continue to focus on this important work over the coming reporting period.

Remuneration rates also present an ongoing challenge for the Tribunal. The Tribunal's members provide similar work to members of other Tribunals, but receive substantially lower remuneration. This discrepancy causes difficulty recruiting and retaining qualified and skilled Tribunal members.

Despite the challenges noted above, I look forward to the coming year. The Tribunal (through its staff, Members, Reconciliation Advisory Committee and Accessibility Committee) is dedicated to improving and increasing access to the Tribunal's services. The commitment to continual process improvement is inspiring. In particular, I wish to highlight the recommendation and efforts of the Reconciliation Advisory Committee towards furthering relationships with the Indigenous people residing within the province.

It is my pleasure to serve as Chair of the Employment and Assistance Appeal Tribunal, and I look forward to the coming year.

Sincerely,



Emily C. Drown, B.A., LL.B
(she/her)

Appendix A

Tribunal Staff as at March 31, 2026

Tribunal Chair

Emily Drown*

Director

Kenneth Sham

Manager, Appeals

Andrew Ross

**Appointed full time Member, not staff*

Appeal Coordinator

Christina Cumming

Lisa Lee

Nicholas Paetz

Chelsea Sumpter

Executive Administrative Assistant

Amy Power

Appeal Intake Clerk

Amy Penner

Finance Clerk

Kristen Ross

Administrative Assistant

Jason Walsh

Appendix B

Tribunal Members by Region as at March 31, 2026

Region 1 Vancouver Island

Ashby, Kent	Nelson, Wesley
Broocke, Jan	Nielsen, Jane
Campbell, Corrie	Osgarby, Jeff
Drown, Emily	Papenbrock, Margarita
Fenske, Robert	Prior, Glenn
Franklin, Richard	Schellinck, Charles
Lacroix, Keith	
Low, Cecilia	
McLean, Melissa	
Morrissey, Inge	

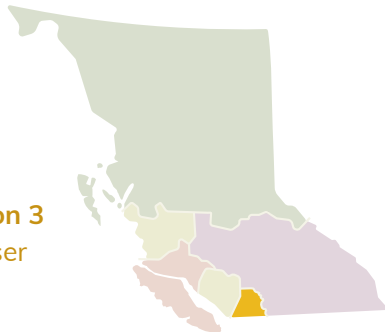
Region 2 Vancouver Coastal

Aggarwal, Anil	Majedi, Maryam
Chahal, Baljinder	McDowell, Robert
Dahlin, Susanne	Shee, Adam
Ferguson, Susan	Simonsen, Connie
Iuvancigh, Julie	Wong, Edward
Karat, Hormus	
Koren, Margaret	
Louie, Kim	

Appendix B

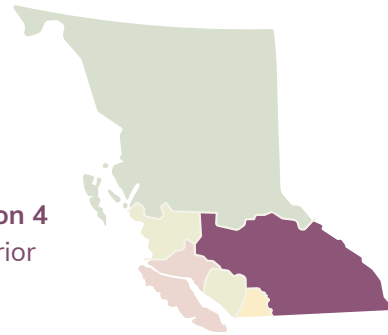
Tribunal Members by Region as at March 31, 2026

Region 3
Fraser



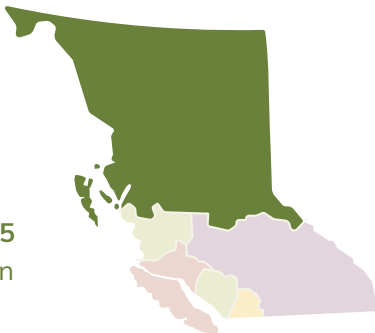
Armstrong, Jennifer	Jeffery, Elaine
Bal, Kulwant	Keram, Neena
Chang, Man Lin (Mimi)	Lifanova, Valeria
Chin, Vivienne	Sidhu, Rubina
Clews, Simon	Smith, Kenneth
Farr, Bill	Sucu, Perihan (Iris)
Fox, Warren	Tibbo, Carla
Gill, Kamal	Wattie, Dawn

Region 4
Interior



Chell, Mary	Pickering, Carmen
Haire, Bill	Pickford, John
Kelly, Robert	Pierre, Linda
Marten, Wendy	Simpson, Effrossini

Region 5
Northern



Ash, Kevin	Jarvis Karla
Bizarro, Rick	Ward, Janet

Appendix C

Budget (April 1, 2025 – March 31, 2026)

The provincial government's fiscal year begins April 1st. This Annual Report covers April 1, 2025 to March 31, 2026. The budget table presents the Tribunal's actual expenditures for the last two fiscal years.

OPERATING BUDGET	APRIL 2025– MARCH 2026	APRIL 2024 – MARCH 2025
Salaries and Benefits	\$ 1,068,199	\$ 1,084,476
Boards/Commissions/Courts – Fees and Expenses	309,639	391,263
Public Servant Travel	2,155	3,598
Professional Services: Operational	26,905	46,845
Information Systems: Operating	0*	298,647
Office and Business Expenses	21,173	31,428
Statutory Advertising and Publications	0	3,316
Amortization Expense	0*	51,432
Other Expenses	17	34
TOTAL	\$ 1,428,088*	\$ 1,911,038

*Pursuant to a province-wide directive, the Tribunal's information systems budget was transferred to the Ministry of Citizen Services during the reporting period. The funds shown here do not include any amounts transferred.

How to Contact Us

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