

# Employment and Assistance Appeal Tribunal British Columbia

## Dismissing an Appeal

This guideline sets out how and when an appeal may be dismissed.

Section 23 of the *Employment and Assistance Act* states:

- (1.0) If, at any time before a panel makes a decision under section 24 [decision of panel], the person who commenced the appeal notifies the tribunal or the panel chair that the person wishes to withdraw the appeal, the appeal is deemed to have been dismissed by the panel.
- (1.1) The chair must notify the minister if an appeal is deemed to have been dismissed under subsection (1).

While the legislation deems the dismissal to occur upon notification, the Tribunal needs a way to document whether an appeal has been dismissed. Accordingly, the following process is in place to ensure that dismissal of appeals are accurately recorded and the ministry is notified as required by the legislation:

### Dismissal at Hearing

1. Upon being notified by an appellant that an appellant wishes to withdraw their appeal or otherwise not proceed with the hearing process, the Panel Chair must notify the Tribunal in writing on the MS Teams workspace assigned to the appeal file that the appellant wishes to withdraw the appeal.
2. The Appeal Coordinator assigned to the appeal file will record the notification in the Tribunal's Case Management System by creating a "note to file" that the Tribunal has been notified by the Panel Chair of the appellant's desire to withdraw the appeal.
3. The Appeal Coordinator assigned to the appeal file will notify the Tribunal Chair of the dismissal.
4. The Tribunal Chair will document the dismissal in a Tribunal Order, which will be sent to the parties confirming dismissal of the appeal.

Prior to communicating the appellant's wish to withdraw the appeal, the panel chair should confirm that the appellant understands that withdrawal of the appeal means that no decision will be made and the appeal will not proceed.

Dismissal Before a Hearing (anytime prior to the panel convening for the scheduled hearing)

1. Upon being notified by an appellant that an appellant wishes to withdraw their appeal or otherwise not proceed with the hearing process, the Appeal Coordinator assigned to the appeal file will record the notification in the Tribunal's Case Management System by creating a "note to file" that the Tribunal has been notified by the Panel Chair of the Appellant's desire to withdraw the appeal.
2. The Appeal Coordinator assigned to the appeal file will notify the Tribunal Chair of the dismissal.
3. The Tribunal Chair will document the dismissal in a Tribunal Order, which will be sent to the parties confirming dismissal of the appeal.

Wherever possible, the appeal coordinator will confirm that the appellant understands that withdrawal of the appeal means that no decision will be made and the appeal will not proceed. However, at times it is expected that such confirmation will not be possible to obtain (eg. Notification sent via email and appellant does not reply to request for confirmation).