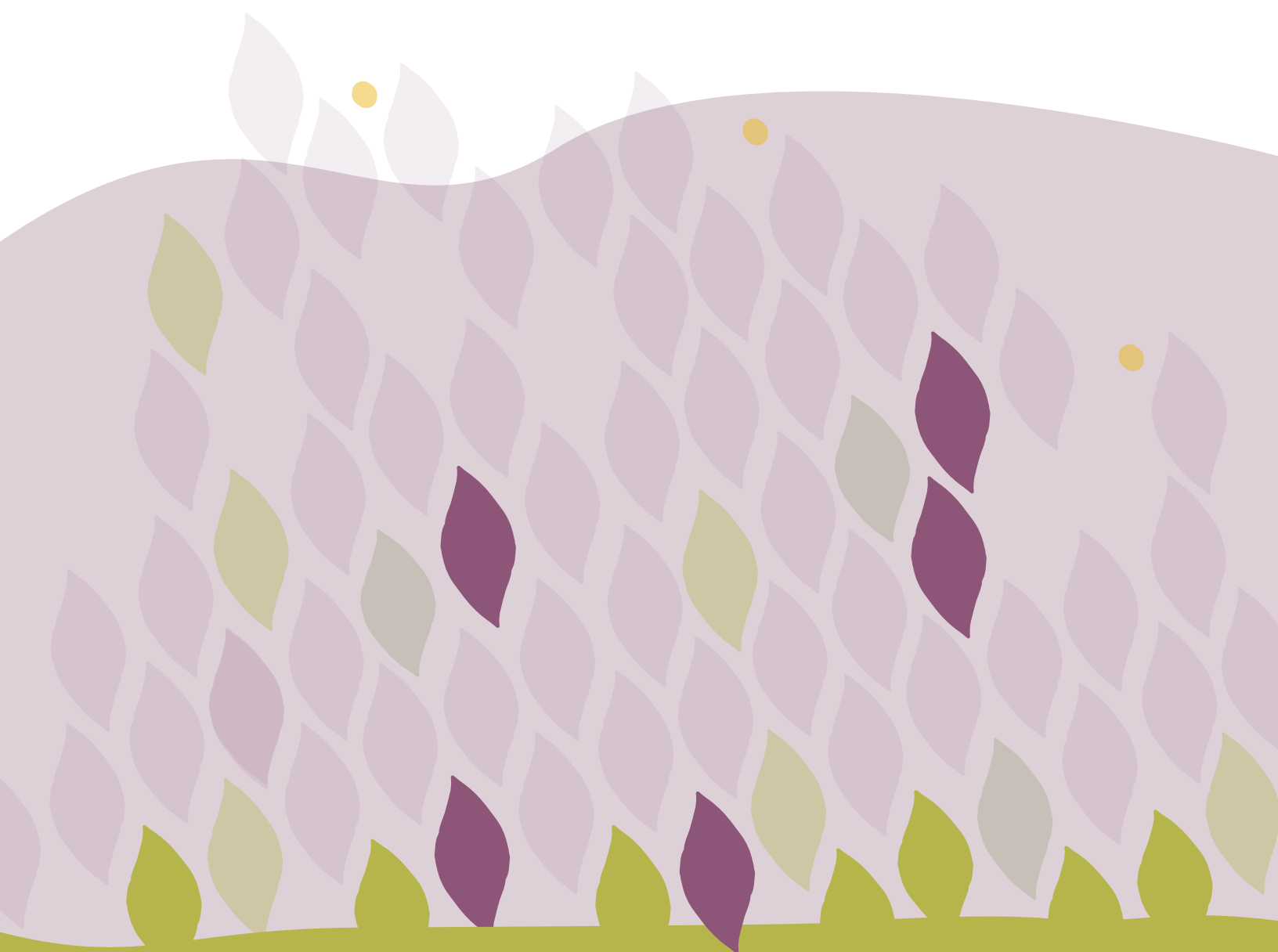


Employment and Assistance **Appeal Tribunal** British Columbia

Annual Report 2024/25



Employment and Assistance Appeal Tribunal British Columbia

June 30, 2025

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, 2024 to March 31, 2025. The report has been prepared in accordance with section 20(1) of the Employment and Assistance Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emily C. Drown', with a stylized flourish at the end.

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, 2024 to March 31, 2025. 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.

The Tribunal saw an unexpected increase in appeal volumes during the reporting period. Having returned to pre-pandemic appeal volumes during the last fiscal year, case volumes increased by a further 16.42% during the reporting period. With staffing levels remaining steady, the increased case volume created internal pressure with increased workloads. That said, I am pleased to report that throughout the reporting period Tribunal staff continued to provide helpful service and continued to regularly meet legislated timelines.

During the reporting period, the province implemented several legislative changes that improved access to the Tribunal. In particular:

- giving prospective appellants 20 business days to file their appeals rather than the 7 business days previously legislated;
- giving the Tribunal Chair discretion to extend the time limit for filing a notice of appeal if satisfied that special circumstances exist; and
- making it easier for an appellant to withdraw an appeal.

These changes reduced the number of missed filing deadlines, provided more access to hearings before the Tribunal, and have permitted the Tribunal to be more responsive to Appellant’s needs and personal circumstances.

Throughout the reporting period, the Tribunal’s Reconciliation Working Group continued to meet at regular intervals to advise the Tribunal on ongoing process improvements. A highlight for the Working Group was hosting an Open House in early November for Indigenous Disability Awareness Month. The Tribunal’s staff met with attendees from various Indigenous organizations and discussed the appeal process and the importance of ongoing relationship building.

In September 2024, the *Accessible British Columbia Act* came into force with respect to the Tribunal. In preparation for this, the Tribunal created an Accessibility Committee. This committee meets bi-monthly and works to identify and remove barriers to accessibility at the Tribunal, both internally and externally.

Of particular note, the Tribunal engaged in its second Active Sense-Making project. This was a bookend to the first Sense-Making project the Tribunal completed three years ago. In both projects, individuals appearing before the Tribunal were asked to share stories about their experiences with the

Tribunal. With the help of volunteers from the province's three law schools, the Tribunal was able to gather such stories via a web-based platform. Using mapping technology, patterns emerged from the various stories shared allowing the Tribunal to formulate a better understanding of user experience at the Tribunal. I am pleased to say that while barriers and access to justice issues were certainly highlighted, this second round of data shows improved user satisfaction with the Tribunal's processes.

Throughout the reporting period the Tribunal continued its commitment to ensuring members of the Tribunal receive continuing education to inform their roles as independent adjudicators. This year, the Tribunal provided focused training about the legislation governing affordable child care benefits. Training was provided via video-conference over two half-days. In addition to this intensive workshop, the Tribunal established monthly round-table training sessions for members. These more informal training sessions are voluntary and take place monthly via a sixty-to-ninety-minute video-conference. The round-tables touch on a variety of topics and provide members with an opportunity to engage in in depth analysis of sections of legislation, decision writing, and hearing skills outside of a formal appeal setting. The round-tables have been well received and will continue to be provided monthly going forward.

I would like to thank Tribunal's staff, members, Reconciliation Working Group, and Accessibility Committee for their hard work over the reporting period. The members of the Reconciliation Working Group have shown a keen commitment to helping the Tribunal move forward on the pathway to reconciliation and the members of the Accessibility Committee have demonstrated dedication to improving accessibility at the Tribunal. I would also like to thank the volunteer law students that helped make our Active Sense-Making project a success; without you, we would not have an abundance of data that will help improve Tribunal processes and procedures.

Finally, I would like to thank advocates, users of the Tribunal, 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 adapt to best serve the needs of the people of British Columbia.

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

Sincerely,



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

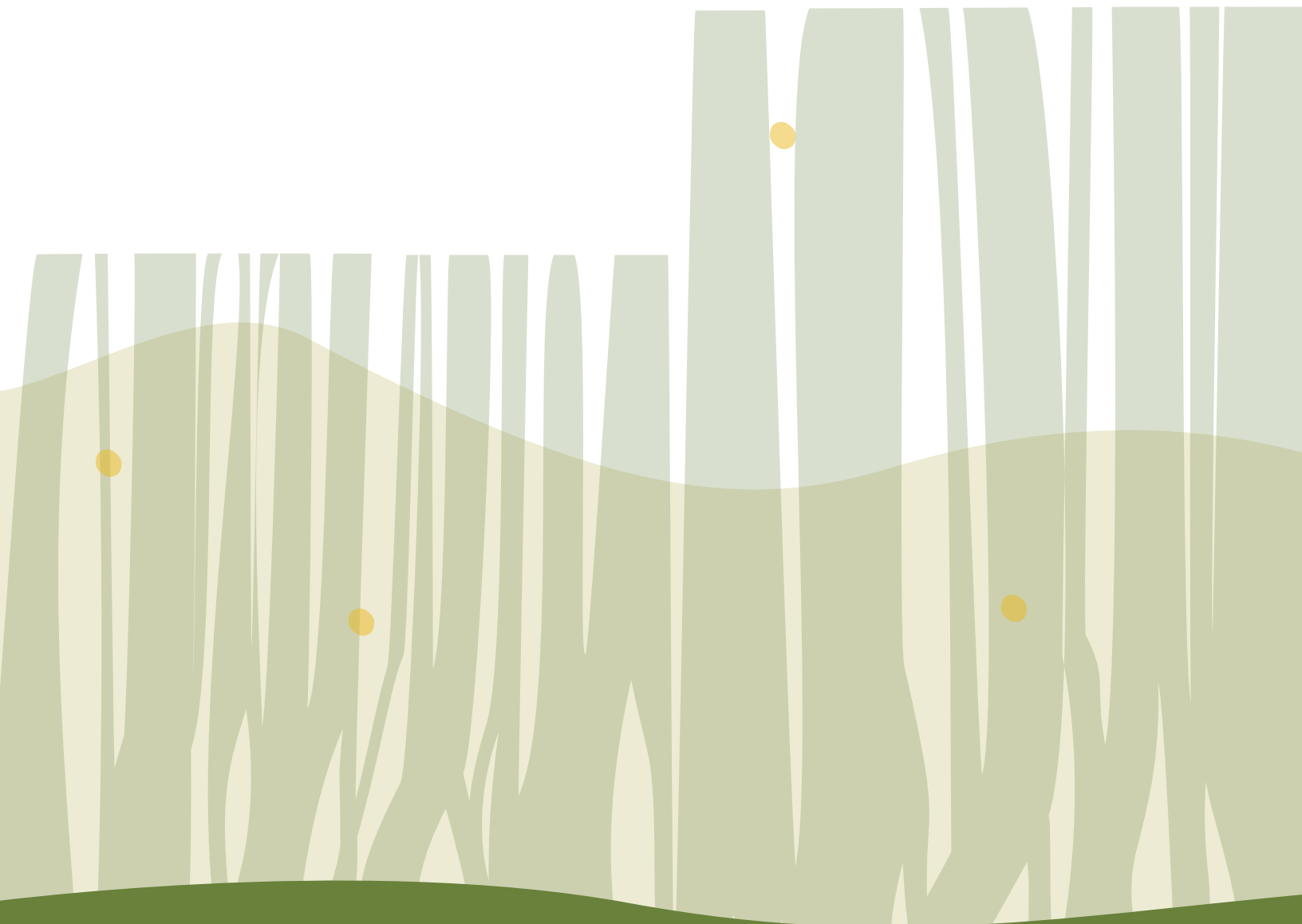
Vision

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 understand 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. At the time of writing this report, 22 members were reappointed, and 1 new member was 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

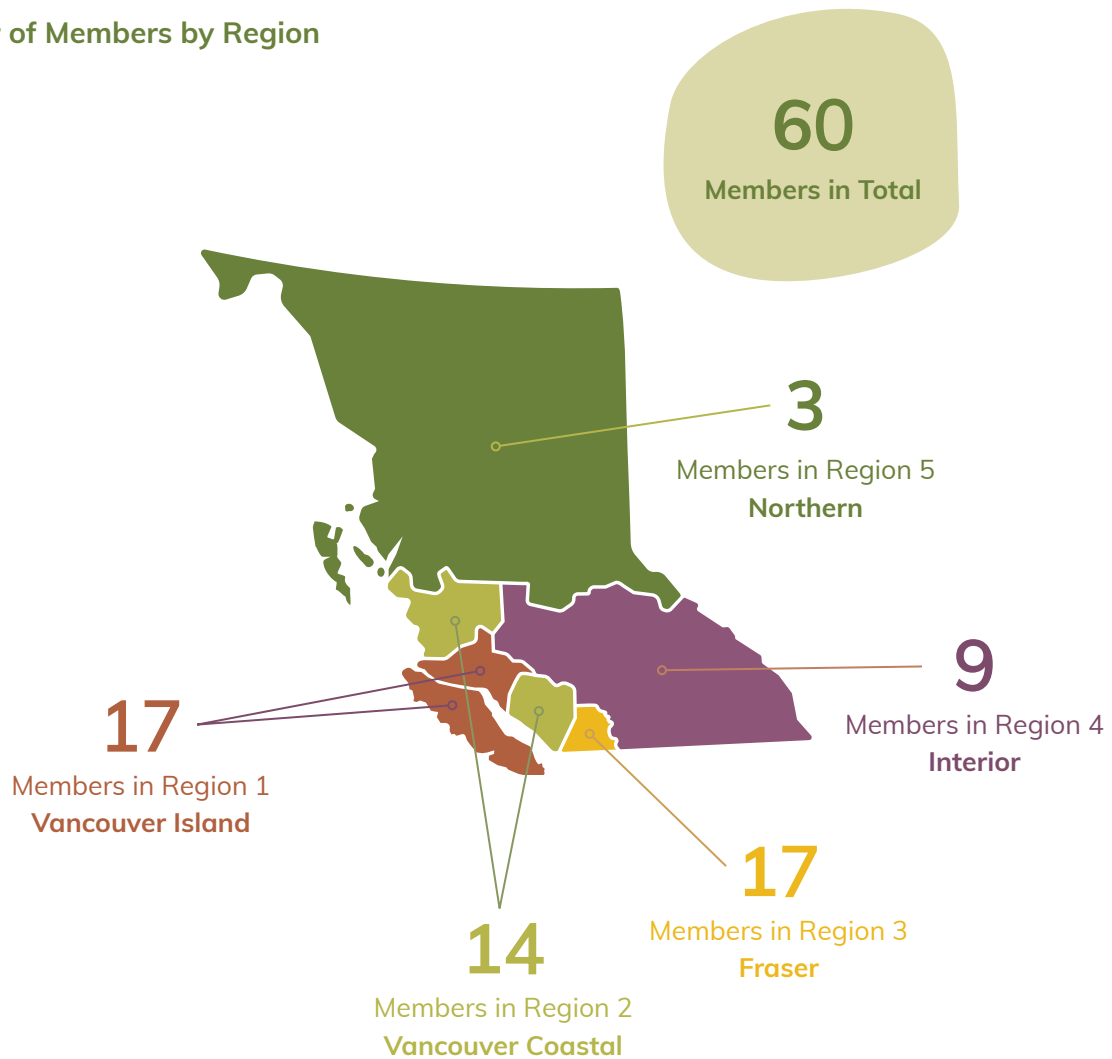


parties and approval of the Tribunal Chair. Hearings are conducted in person, usually in or near the appellant's community, by teleconference, by video-conference or, if both parties consent, in writing.

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 mails 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



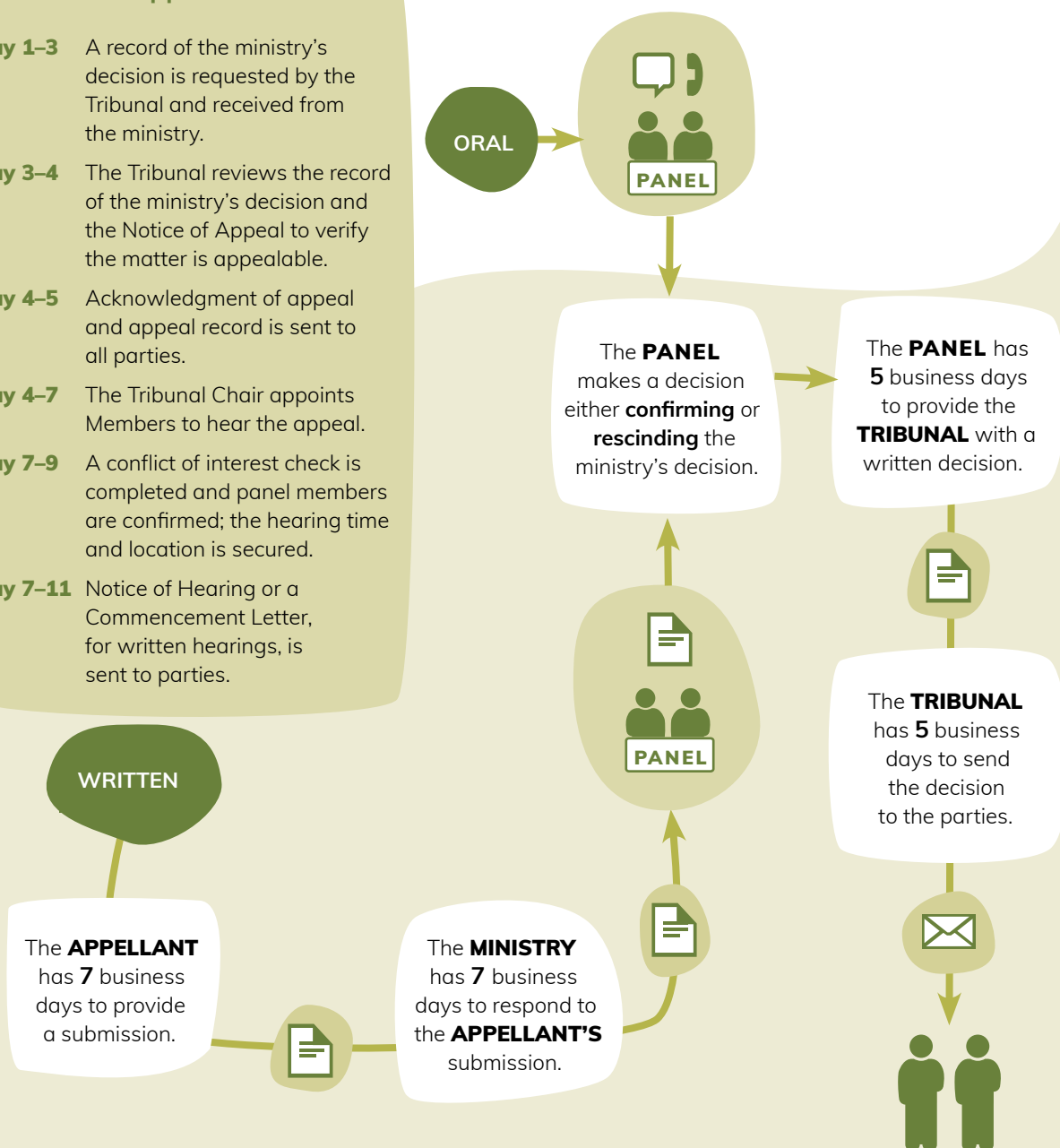
In person, by tele-conference or by video-conference.

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, by 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 the phone number to dial to join 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 decision. 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 2024/25

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. Two appeals were not held within the legislated time frame in the reporting period due to staff error.

Summary of Appeals Statistics

467

Notices of
Appeal Received

31

Appeals Dismissed
by the Parties

41

Appeal Files Assessed
Not Within the Jurisdiction
of the Tribunal

7

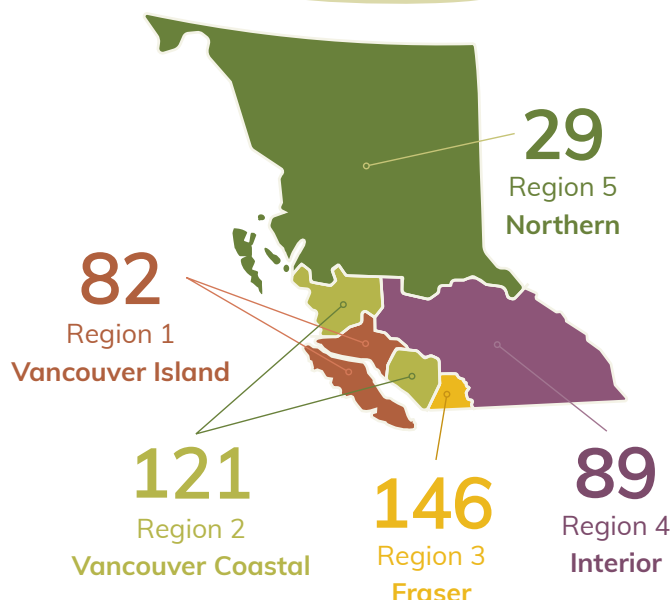
Appeals
Carried Over*

*Appeals opened between
01/04/2024 and 31/03/2025
and not either closed, heard
or rejected by 31/03/2025.

Notices of Appeal by Region

467

Total Notices
of Appeal



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

1	20 Business Days
5	Burial/Cremation Supplement
8	Bus Pass
20	Child Care
1	Confirmed Job Supplement
78	Crisis Supplement
8	Overpayment
2	Lost/Stolen Cheque
8	Moving Supplement
17	Other
1	Hardship Supplement

Eligibility

4	Dependency/Living	5	Full time student
1	Effective Date	12	Inc/Earning Exemption
3	Eligibility Audit	3	Residency
24	Excess Inc/Asset	4	Shelter Allowance
4	Failure to provide information		

Health Supplement

11	Dental	12	Med Transport	1	S/T Nutritional
2	Diet/Natal	9	MNS	2	Therapies
25	Med Equipment	2	Optical		
4	Med Supplies	5	Orthoses		

Disabilities

1	PPMB	164	PWD
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Ministry of Social Development and Poverty Reduction

420	Appeals heard
259	Decisions confirmed
112	Decisions rescinded

Ministry of Education and Child Care

20	Appeals heard
15	Decisions confirmed
4	Decisions rescinded

Judicial Review Outcomes

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.

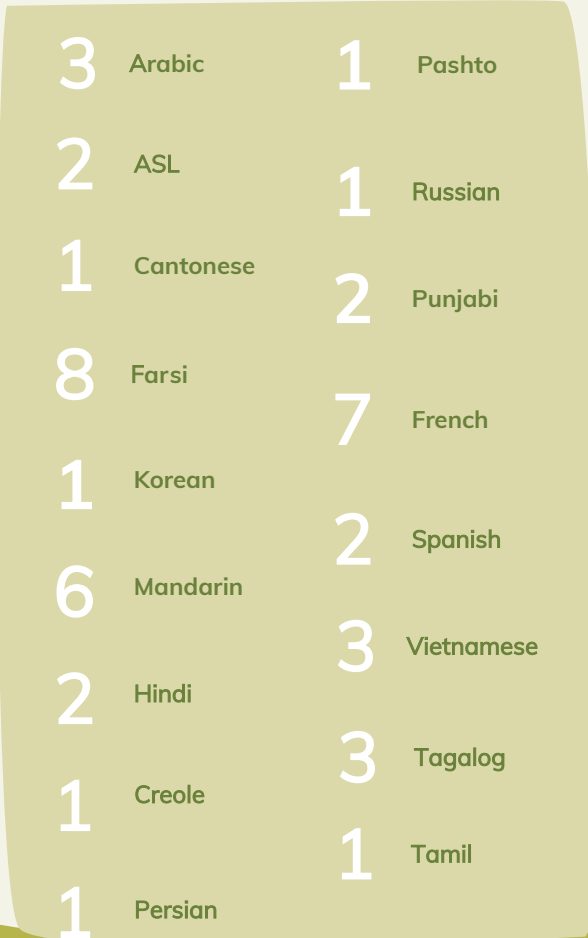
Appellants who consented to Email Communications



Cases with a Special Status



Languages requested for Interpreters



What Our Decisions Look Like

CASE 1 Persons with disabilities designation

Ministry Decision

The Ministry of Social Development and Poverty Reduction (Ministry) determined that the Appellant was not eligible for designation as a Person with Disabilities (PWD) under section 2 of the *Employment and Assistance for Persons with Disabilities Act* (Act). Section 2 of the Act sets out five criteria for a person to be designated as a PWD:

- (1) The person has reached the age of 18;
- (2) The Minister is satisfied the person has a severe mental or physical impairment;
- (3) In the opinion of a medical practitioner, the severe impairment will continue for at least two years;
- (4) In the opinion of a prescribed professional, the impairment directly and significantly restricts the person's ability to perform daily living activities, either continuously or periodically for extended periods; and
- (5) In the opinion of a prescribed professional, as a result of the restriction in daily living activities, the person requires an assistive device, the significant help or supervision of another person, or the services of an assistance animal to perform those daily living activities.

The Ministry found the Appellant met the age and duration requirements (criteria (1) and (3)). However, the Ministry was not satisfied the Appellant met the severe impairment, restrictions on daily living activities, or significant help requirements (criteria (2), (4), and (5), above).

Summary of Facts

Medical Report

In the Medical Report, completed by the Appellant's Doctor, the Appellant was diagnosed with thoracic outlet syndrome, fibromyalgia, transient ischemic attack, mood disorder, and depression. The Appellant had been in a severe motor vehicle incident, which resulted in the thoracic outlet syndrome, leading to weakness and chronic pain of upper arms. These impairments were described as chronic progressive disorders resulting in reduced mobility and generalized fatigue/weakness. The Doctor indicated the Appellant had significant deficits with cognitive and emotional functioning in the areas of emotional disturbance, motivation and attention or sustained concentration.

Assessor Report

The Appellant's Doctor also completed the Assessor Report. Finding the same impairments as stated in the Medical Report, the Appellant was further stated to require periodic assistance from another person for walking indoors and outdoors, climbing stairs, lifting, carrying and holding. The Doctor stated that the symptoms result in taking longer to complete all daily living activities.

Under cognitive and emotional functioning, the Doctor noted moderate impact on daily functioning in the areas of emotion, executive as well as memory functions. Under daily living activities, the Doctor highlighted that the Appellant will require periodic assistance from another person in the following areas: dressing, basic housekeeping, laundry and shopping. As a general observation, the Doctor commented that the Appellant would require family members to help to complete the activities daily.

As for social functioning, the Doctor reported that the Appellant needs periodic support and supervision for making appropriate social decisions, developing and maintaining relationships and dealing appropriately with unexpected demands. It was further noted there was marginal functioning with immediate social network.

Additional Evidence

At the hearing, the Appellant and her daughter provided additional details about impairments identified by the Doctor. The Appellant stated she needed her daughter's assistance 5 to 10 times a day for various daily living activities. The Appellant would have a "bad day" averaging four to five days a week. The Appellant had also moved onto her daughter's property so her daughter could help her with daily living activities. The Appellant stated her motor skills had "stopped working" and her speech became slurred, resulting in the inability to drive and work, which in turn created financial stress and further triggered her symptoms. The Appellant's daughter stated that she is constantly coming to the aid of her mother, and the Appellant's mental impairment affects her in every way, from forgetting conversations to being unable to do simple things.

Tribunal Decision – The Panel rescinded the Ministry's decision.

Reasons for Decision

Severe Mental or Physical Impairment

The Panel found the Ministry was not reasonable in its determination that the Appellant's physical impairments were moderate rather than severe. The Appellant had been diagnosed by the Doctor with a range of symptoms including thoracic outlet syndrome, fibromyalgia, vertigo, depression, chronic pain syndrome and fibromyalgia. The Appellant and her daughter provided further information about these impairments at the hearing including providing the frequency the

daughter must come to the Appellant's aide (5 to 10 times a day) and stating these tasks could be any "day-to-day skills" varying from using a key to open a door to tying laces. Though the Doctor provided that the Appellant can climb two to five stairs, the Appellant was also noted to fall down the stairs "randomly".

The Panel found that it was not reasonable to consider the level of physical function the Doctor indicated, without also considering the Doctor's statements about the Appellant's vertigo, which significantly restrict the Appellant's ability to move about indoors and outdoors.

As for mental impairment, the Panel found the Ministry unreasonable in its determination that the information provided does not indicate a severe mental impairment. The Doctor identified a range of major affective disorders including depression, with major impact on emotion, executive function, and memory. The Appellant and her daughter added additional detail to describe the Appellant's memory issues. Though there were some inconsistencies in the Doctor's diagnoses and the assessment of daily living activities that might be expected to be affected by a severe mental impairment, the Panel found the additional evidence at the hearing provided further detail about the extent of the mental impairment identified by the Doctor. The Panel placed greater weight on the consistency between the Doctor's diagnosis and indication of major impacts on emotion, memory and executive function with the account provided by the Appellant and her daughter.

The Panel found the Ministry's determination, that the Appellant's physical and mental impairment is moderate, was not reasonable.

Restrictions to Daily Living Activities

Considering the medical evidence, including the additional evidence provided on appeal, the Panel found the Ministry was not reasonable in its determination that the Appellant was not directly and significantly restricted in her ability to perform Activities.

Upon review of the evidence, the Panel found there were direct and significant restrictions to the Appellant's ability to perform the following daily living activities: performing housework, performing personal hygiene and self care, and moving about indoors and outdoors. The Panel found the Appellant would take significantly longer than typical to perform the restricted daily living activities when having a "bad day" and that she required the assistance of another person to complete them. Given that the Appellant has a "bad day" four to five days a week, the Panel found the Appellant's ability to perform daily living activities was significantly restricted periodically for extended periods.

Help

The Panel found the Doctor provided evidence that the Appellant required help to perform daily activities and the Appellant's daughter provided her with help getting 5 to 10 calls a day for assistance. Further, the Appellant had moved to the property where her daughter lives so that help could be rendered more easily.

The Panel found the Appellant requires significant help from another person to perform daily living activities. Accordingly, the panel found the Ministry was unreasonable in determining that it could not find that the Appellant needs help to perform the restricted daily living activities.

What Our Decisions Look Like

CASE 2 Crisis Supplement

Ministry Decision

The Ministry of Social Development and Poverty Reduction (Ministry) determined that the Appellant was not eligible for a crisis supplement to pay an outstanding hydro bill. Under section 59 of the Employment and Assistance Regulation a crisis supplement may be provided to a family unit if:

- (1) The family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed;
- (2) The family unit is unable to meet the expense or obtain the item because there are no resources available; and
- (3) Failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit.

The Ministry was satisfied the Appellant did not have resources to pay the outstanding electricity bill and that there was an imminent risk to the physical health of the family unit without electricity. However, the Ministry was not satisfied that the expense was unexpected.

Summary of Facts

The Appellant was a family unit of two in receipt of income assistance.

The Appellant had requested a crisis supplement for an outstanding electricity bill in May 2024. The Appellant provided the Ministry with a copy of a disconnection notice. The Appellant let the Ministry know later in May 2024 that electricity had been disconnected and submitted another hydro bill with an increased balance. The Ministry contacted the utility to confirm the details of the Appellant's account and found the services were not disconnected and since the account was opened in December 2023 only one partial payment had been made.

The Ministry denied the request for a crisis supplement as there was no evidence the electricity bill was an unexpected expense or situation and the family unit's physical health was not in imminent danger.

The Appellant requested reconsideration of the Ministry's decision. The Reconsideration Decision determined the Appellant did not have resources to pay the electricity bill and there would be imminent danger to the Appellant's physical health if electricity was disconnected. However, the Ministry found that the Appellant had failed to show there was an unexpected need to pay the electricity bill and accordingly, not all the criteria for a crisis supplement under Section 59 of the Employment and Assistance Regulation had been met.

In the Notice of Appeal, the Appellant stated that she did not have a job and felt that she needed to provide safe shelter and food for her children. She added that without electricity, the children would not be able to function in school and financial hardship had taken a toll on their mental health. The Appellant did not want her children removed from her.

The Appellant did not attend the hearing and the Panel relied on the submissions provided in the Notice of Appeal.

Tribunal Decision – The Panel confirmed the Ministry's decision.

Reasons for Decision

The Panel found the Ministry reasonably determined the Appellant was not eligible for a crisis supplement to pay the electricity bill as not all criteria under Section 59 of the Employment and Assistance Regulation had been met.

The Appellant had met some of the legislative requirements in that she was eligible for income assistance, did not have the resources to pay for the electricity bill and there would be imminent danger to the Appellant's physical health should electricity be disconnected. However, the panel

found the Appellant had not demonstrated that there was an unexpected need to pay the outstanding electricity bill.

The Panel found the electricity bill was not an unexpected expense nor an item unexpectedly needed as electricity is an on-going recurring expense. The panel found the evidence in this case did not prove otherwise. The panel also found the evidence did not establish that the Appellant had another unexpected need which prevented her from paying the bill.

What Our Decisions Look Like

CASE 3 Affordable Child Care Benefit

Ministry Decision

The Ministry of Education and Child Care (Ministry) found the Appellant was not eligible for the Affordable Child Care Benefit (Child Care Benefit) for the period between September 5, 2023 and December 31, 2024 because the Child Care Benefit may only be paid from the first day of the month in which the parent submits an application. The Ministry found the Appellant did not submit a completed application until January 2025.

Summary of Facts

The Appellant was a previous recipient of the Child Care Benefit from February 1, 2023 to August 31, 2023. The benefit was not renewed when it ended in August 2023. On November 27, 2024, the Appellant requested access for messaging services through the Ministry's online MyFS account.

The Appellant called the Ministry on December 18, 2024 and was told the Ministry had not received a benefit application from her. The Appellant stated she had accidentally selected "access for messaging" rather than "new application" in November 2024. The Appellant was told that she needed to submit a new application form to open a file and the Appellant did so on January 9, 2025. The Appellant stated on the form submitted that child care started on September 3, 2024 and would end on August 31, 2025. A statement from the child care provider was also provided and it listed that child care was provided to the Appellant's child from January 1, 2024 to December 31, 2024.

The Ministry approved the Child Care Benefit from January 1, 2025 to August 31, 2025, but determined that the Appellant was not eligible to receive the benefit between January 1, 2024 and December 31, 2024.

The Appellant requested Reconsideration of this decision. At reconsideration the Appellant submitted she is a single parent, self employed, receives no child support, and has an annual income below \$40,000.

Additional Evidence

At the appeal hearing, the Appellant stated she knew the Child Care Benefit was available for daycare, but she had not understood that the benefit was also available for after school care. The Appellant stated the Ministry had provided her with backdated payments in the past and she hoped they could do the same again.

Admissibility

The Panel admitted the Appellant's additional evidence as reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

Tribunal Decision– The Panel confirmed the Ministry's decision.

Reason for the Decision

The Panel found the Ministry's determination, that the Appellant was not eligible for the Child Care Benefit for the period September 2023 to December 2024, a reasonable application of the legislation. The Panel found the Appellant's application was not complete until January 9, 2025, when the Appellant submitted the form to the ministry and held that under Section 20(1) of the Early Learning and Child Care Regulation, the Child Care Benefit is payable from the first day of the month in which the application is complete.

The panel further determined the Ministry did not make an administrative error (which would warrant a 30-day backdating of benefits) and the Ministry was not authorized to provide a backdated Child Care Benefit under section 20(2) of the Early Learning and Child Care Regulation.

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 2025/26 fiscal year, I am confident that the Tribunal will continue its record of process improvements based on user experience and people centered design to remove barriers and increase access to the Tribunal's services.

In this vein, while it is outside of the formal mandate of the Tribunal to comment on legislation, I wish to draw attention to the barrier created by the legislative requirement of pre-approval for certain benefits. Many supplements available under the province's Employment Assistance and Disability Assistance programs require pre-approval. Without such pre-approval the governing legislation prohibits payment of certain benefits. Examples of such benefits include many medical supplies (including those for a life-threatening health need), orthotics, and moving supplements. The Tribunal regularly hears appeals where the appellant has been denied a benefit they otherwise qualified for because they did not seek the necessary pre-approval. Most of these appellants are unaware that pre-approval was needed and fail to understand why they are being denied access to benefits that they otherwise qualify for. Many panels of the Tribunal have commented in written decisions that this requirement seems unfair, especially for the population served by these programs.

With respect to removal of barriers, I also wish to comment that changes to appeal processes only remove barriers for those that choose to file an appeal with the Tribunal. During the reporting period, the Tribunal rescinded 26% of appeals heard. This means that 26% of appellants received benefits that would otherwise have been denied without 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 am concerned about the population that chooses not to appeal to the Tribunal, as many may be missing the opportunity to receive benefits they are entitled to.

I recognize that 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 working to identify and remove such barriers so everyone can benefit from the important work the Tribunal does. I anticipate that the Tribunal's Reconciliation Working Group and Accessibility Committee will focus attention on this important work over the coming reporting period.

I look forward to reviewing and implementing recommendations coming out of these committees and discussing new ideas for increasing access to the Tribunal's services during the coming year. It is my pleasure to serve as Chair of the Employment and Assistance Appeal Tribunal. I am thankful for the opportunity to get to do this work.

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)

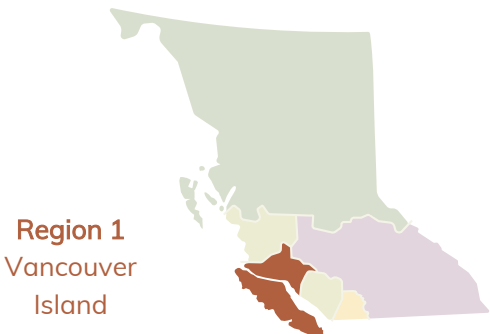
Appendix A

Tribunal Staff as at March 31, 2025

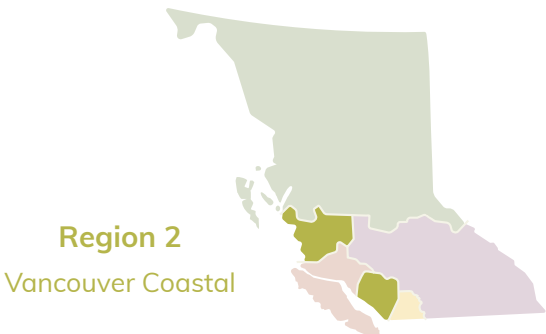
Tribunal Chair	Manager, Appeals	Executive Administrative Assistant
Emily Drown*	Andrew Ross	Amy Power
Vice Chair	Appeal Coordinator	Appeal Intake Clerk
Jane Nielsen*	Christina Cumming	Amy Penner
Director	Lisa Lee	Finance Clerk
Kenneth Sham	Nicholas Paetz	Kristen Ross
<i>*Appointed as Member, not staff</i>	Chelsea Sumpter	Administrative Assistant
		Julya van der Sloot

Appendix B

Tribunal Members by Region as at March 31, 2025



- | | |
|-------------------|-----------------------|
| Ashby, Kent | Nelson, Wesley |
| Broocke, Jan | Nielsen, Jane |
| Campbell, Corrie | Papenbrock, Margarita |
| Drown, Emily | Prior, Glenn |
| Fenske, Robert | Rodgers, Joseph |
| Franklin, Richard | Schellinck, Charles |
| Low, Cecilia | Skinner, Michael |
| McLean, Melissa | Thompson, Gordon |
| Morrissey, Inge | |

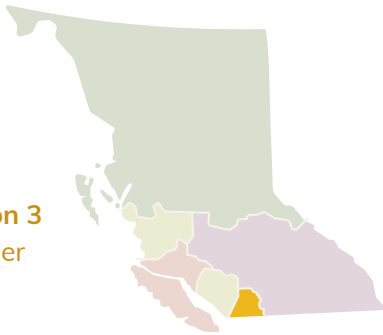


- | | |
|------------------|---------------------|
| Aggarwal, Anil | Majedi, Maryam |
| Chow, Daniel | McDowell, Robert |
| Dahlin, Susanne | O'Connor, Diane |
| Ferguson, Susan | Shee, Adam |
| Iuvancigh, Julie | Simonsen, Connie |
| Koren, Margaret | Wellburn, Katherine |
| Louie, Kim | Wong, Edward |

Appendix B

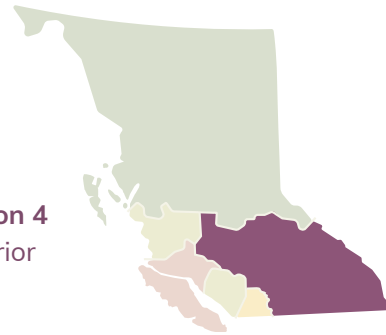
Tribunal Members by Region as at March 31, 2025

Region 3 Fraser



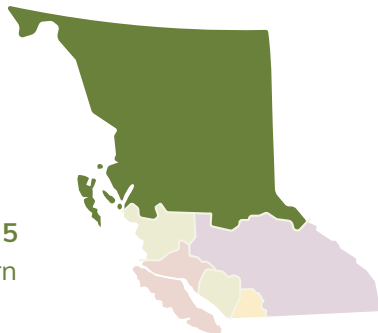
Armstrong, Jennifer	Jeffery, Elaine
Bal, Kulwant	Kajani, Sameer
Chang, Man Lin (Mimi)	Keram, Neena
Chin, Vivienne	Sidhu, Rubina
Clews, Simon	Smith, Kenneth
Farr, Bill	Sucu, Perihan (Iris)
Fox, Warren	Tibbo, Carla
Handelman, David	Wattie, Dawn
Heafey, Shirley	

Region 4 Interior



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

Region 5 Northern



Ash, Kevin	Ward, Janet
Bizarro, Rick	

Appendix C

Budget (April 1, 2024 – March 31, 2025)

The provincial government's fiscal year begins April 1st. This Annual Report covers April 1, 2024 to March 31, 2025. The budget table presents the Tribunal's actual expenditures for the last two fiscal years.

OPERATING BUDGET	APRIL 2024– MARCH 2025	APRIL 2023 – MARCH 2024
Salaries and Benefits	\$ 1,084,476	\$ 932,345
Boards/Commissions/Courts – Fees and Expenses	391,263	307,202
Public Servant Travel	3,598	6,334
Professional Services: Operational	46,845	33,735
Information Systems: Operating	298,647	251,713
Office and Business Expenses	31,428	37,045
Statutory Advertising and Publications	3,316	6,662
Amortization Expense	51,432	51,432
Other Expenses	34	34
TOTAL	\$ 1,911,038	\$ 1,626,501

How to Contact Us

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