

Circular

Date: September 13, 2013

CIRCULAR NUMBER: EIA #2013-46 Revised

Alternate Programs:

To: Community Social Service Supervisors/Program Managers

Subject: **Minister's Designate/Program Specialist Decisions and Consultations**

Reference: Section 6.4.5 Circumstances that may Alter the Usual Application Process,
Section 6.7.11 Participant Leaves the Province
Section 6.8.4 Confirmation and Consideration of Liquid Assets
Section 17.1.2 Authority to Enroll Business Persons with Equity
Section 17.1.5 Participants in Approved Self-Employment Programs
Section 18.4.2 Therapeutic Diets,
Section 19.1.17 Tax arrears
Section 19.1.20 Major Repairs,
Section 19.1.21 Remote Housing Program,
Section 19.2.4 Critical Home Repair Program
Section 21.1.3 Allowable Items,
Section 21.3.2 Housekeeping or Attendant Services Provided by a Relative
Section 22.2.1 Physicians' Fees,
Section 22.4.1 Medical Supplies and Equipment,
Section 22.4.3 Chiropody, Podiatry, Foot Care Services, Orthopaedic Footwear
and Foot Orthotics,
Section 24.2.8 Lost or Stolen Cash

Replaces:

Type: Policy For Internal Reference Only
 Procedure
 Rate
 Information Only

Effective Date

This circular describes the non-appealable decisions that must be made by a Minister's Designate/Program Specialist.

The Employment and Income Assistance Regulation sets out certain areas in which the EIA Director has the authority to make decisions. Decisions beyond the authority of the Director can be made only by the Minister or their Designate. The Minister has designated the Program Specialists as persons who can make decisions in these areas. A list of decisions, the authority, and the specific legislative, regulatory or policy language is attached for your reference.

Additionally, there was some ambiguity in the policy language which has been edited to replace "consideration" with "approval" in terms of the role of the Minister's Designate.

The Manitoba Court of Appeal confirmed that decisions, which can only be made by the Program Specialist as the designate of the Minister, are not appealable to the Social Services Appeal Board (SSAB). With respect to these decisions, the regular SAMIN appeal letter is not to be used when notifying a participant of a decision. Two new SAMIN letters, an approval letter (Minister's Decision Approval Letter - MDAL) and a denial letter (Minister's Decision Rejection Letter – MDRL), have been developed and are to be used when notifying participants of a decision by the Minister's Designate (Program Specialists). Copies of these letters are attached.

When a Program Specialist makes a decision as the designate of the Minister they must include a case note in SAMIN explaining their decision and the fact that this decision is not appealable. The new SAMIN code Minister's Designate (MDES) has been created and can only be used by a Program Specialist for the purpose of recording these decisions.

Once the Minister's Designate decision case note has been entered, the Program Specialist will contact the supervisor/program manager to inform them of the decision. The EIA staff member then sends either the MDAL or MDRL to the participant who made the request to inform them of the decision.

Please note that the Minister has also designated the Director as a person who can make decisions in certain areas which are restricted to the Minister or their designate in the EIA Regulation. These areas are:

- decisions relating to special needs **up to** \$1,000.00,
- major home repairs **up to** \$3,000.00, and
- medical supplies and equipment **up to** \$3,000.00.

The Manitoba Court of Appeal decision also confirmed that decisions by the Director in these areas are appealable to the SSAB. Therefore, the regular SAMIN letters (BAL1 and FWAP) are to be used when notifying a participant of a decision. Amounts greater than the values listed above would be forwarded to the Minister's Designate for consideration.

In some instances, EIA supervisory staff contact Program Specialists for advice on issues that are within the jurisdiction of the Director or where asked to do so in policy. A list of the items that require consultation are also included in the attachment. These contacts are considered by the Program Specialist as consultations. While supervisory staff may follow the advice provided by the Programs Specialist in the consultation, the final decision remains with the Director. As such, these decisions are also appealable to the SSAB, and the BAL1 or FWAP letters are to be used.

Attachments

ROLE TESTCASE
123 FOURTH AVE
FLIN FLON MB

JUL 02 12

CASE: 53779

R0J 3K9

FF

DEAR: MRS. TESTCASE

This is to acknowledge your request for:

Area to acknowledge request

The authority to approve or not approve the request falls outside the authority of the Director. Your request was therefore forwarded to and reviewed by an EIA Program Specialist who is a designate of the Minister.

This letter is to advise you that your request has been denied. As your request falls solely within the authority of the Minister's designate, the decision is final. Legislation does not allow for an appeal to the Social Services Appeal Board (SSAB).

Please contact me if you wish to discuss the matter further.

Yours Truly

R. 2SIMPSON
CASE COORDINATOR

ROLE TESTCASE
123 FOURTH AVE
FLIN FLON MB

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FF

DEAR: MRS. TESTCASE

This is to acknowledge your request for:

Area to acknowledge request

The authority to approve or not approve the request falls outside the authority of the Director. Your request was therefore forwarded to and reviewed by an EIA Program Specialist who is a designate of the Minister.

This letter is to advise you that your request was approved.

Please contact me so that we can discuss and make arrangements for processing your request.

Yours Truly

R. 2SIMPSON
CASE COORDINATOR