



Memorandum

Date: July 2, 2004

To: EIA Assistant Directors
(Winnipeg)
EIA Rural Program
Managers

From: Pam Goulet, Executive Director
Adult and Children's Programs, and

John Petersen, Executive Director
Employment and Income Assistance
Programs
Winnipeg MB R3C 0R8

Telephone:

Subject: **Appeals – Clients' Requests for an Extension for Filing an Appeal**

This directive is to clarify the Employment and Income Assistance (EIA) program's policy and procedures with respect to clients' request to the Social Services Appeal Board (SSAB) for an extension of the timeframe for filing a Notice of Appeal.

As you are aware, the SSAB's Information Bulletin #3 describes the SSAB's procedures in this regard, and this Bulletin is attached. EIA's policy, to date, has been that in most cases a client's request for an extension for filing a Notice will not be challenged. There have, however, been a few recent cases where the client's request was made several years after the decision was made or was made after the client had filed and withdrawn a Notice of Appeal. Also, there has been a fairly informal process for advising the SSAB on whether or not the Department wishes to challenge a client's request for an extension and this can lead to some confusion between the Department and the SSAB.

The policy manual is being updated and will read as follows:

6.10.9 EXTENSION OF THE TIME LIMIT FOR FILING AN APPEAL BY AN APPELLANT

In accordance with section 12(3) of The Social Services Appeal Board Act, the Social Services Appeal Board (SSAB) may grant an extension to the 30 day time limit for filing an appeal. An extension may be granted either before or after the time limit expires. The appellant's request for an extension must provide the reason(s) the extension is required. The SSAB will provide the director with an opportunity to comment on the request for an extension. In most, but not all situations, the director will not challenge the request for an extension. However, situations in which the director may challenge the request for an extension include: when the appellant has filed but withdrawn an appeal on the same issue, when the same issue has been previously reviewed by the SSAB and there is no new relevant information, or when there has been a considerable passage of time (typically this would be in excess of 6 months) and there is no apparently convincing reason for the appeal not to have been filed.

To help ensure effective communication with the SSAB, directors must provide a written response to the SSAB that clearly indicates whether or not the director is challenging the request for the extension, and if there is a challenge written reasons are required. If there is no challenge, this requirement could be met by simply faxing the advice to the SSAB, and entering a case note that the fax notification was forwarded to the SSAB on a given date (in the alternative, a copy of the fax may be placed in the client's file). If there is to be a challenge, the written reasons could be attached to the fax or forwarded separately, ensuring that the reasons are provided within a reasonable time, or by the date requested by the SSAB if a date is provided. A copy of the notice of a challenge and the reasons should be placed in the client's file.

This directive is effectively immediately.