

Dismissing Your Appeal

An appeal can be dismissed at any time before a panel makes a decision if both you and the ministry agree. This means that no decision will be made about your appeal.

Both you and the ministry must sign the Consent to Dismiss Appeal form and forward it to the Tribunal. Once the Tribunal receives the completed form, we will send you a letter confirming that the appeal has been dismissed.

After Your Hearing

The panel decides whether the ministry's decision was:

- Reasonably supported by the evidence; or
- A reasonable application of the legislation given your circumstances.

The panel will then either agree with (confirm) the ministry's decision or overturn (rescind) it in your favour. Generally, you will receive the written decision by mail within 10 business days of the date of your hearing.

The Tribunal decision is final; however, you can file a petition in the BC Supreme Court asking a judge to review it. This is called a judicial review. Generally this must be done within 60 days of the Tribunal's decision. As well, if you believe you were treated unfairly by the ministry or the Tribunal, you can contact the Office of the Ombudsman.

If you have a concern about the conduct of an appeal or any interaction with the Tribunal, you can make a complaint by writing to the Tribunal Chair.



Employment and Assistance Appeal Tribunal

HOW TO CONTACT THE TRIBUNAL

How to Prepare for Your Appeal

If you wish to obtain further information about the Tribunal, or any of the forms mentioned in this brochure, please visit our website at www.gov.bc.ca/eaat or:

BY TELEPHONE: **250-356-6374**

TOLL-FREE: **1-866-557-0035**

BY FAX: 250-356-9687

TOLL-FREE: 1-877-356-9687

BY MAIL: PO Box 9994
Stn Prov Govt
Victoria BC V8W 9R7

BY E-MAIL: **eaat@gov.bc.ca**

WEB SITE: **www.gov.bc.ca/eaat**





The Employment and Assistance Appeal Tribunal (The Tribunal)

The Tribunal is committed to providing an independent, community-based appeal process that is timely, accessible and respectful. You have the right to participate in your hearing. You also have the right to request accommodation due to disability.

Support at Your Hearing

You can ask a family member, friend, or an advocate to come with you to the hearing or to help you prepare written information for the panel. If you need to find an advocate, visit PovNet's website at www.povnet.org for a listing of advocacy agencies in or near your community.

You may bring an interpreter. If required, the Tribunal will find an interpreter for you.

If you want your advocate or a family member to communicate with the Tribunal on your behalf or receive information about your appeal, you will need to complete and return a Release of Information form. This ensures that you have control over who receives your personal information.

Preparing Your Case

You will find it helpful to think about what you want to say to the panel to support your case. To help you prepare:

- Review the ministry's reconsideration decision as it tells you the reasons why you were denied or found ineligible. Be prepared to tell the panel why that decision is incorrect or unreasonable.
- Think about whether a witness or additional evidence would help your case. Witnesses will be asked to remain outside the hearing room until asked to testify. After testifying, they will be asked to leave unless you request they remain. If they remain, they cannot provide further testimony. Watch the video clip on our website about evidence and witnesses.
- Review the sections of the acts or regulations that apply to your appeal.
- Read prior panel decisions. These decisions won't be followed by other panels, however they give you a sense of how the Tribunal has dealt with similar appeals.
- Review the Tribunal Practices & Procedures.
- If you have chosen an oral hearing, watch the video clip on our website that shows a panel chair explaining the hearing process to the parties.

Providing Additional Evidence for Your Appeal

The panel can only admit as evidence the information and records that were before the ministry when the reconsideration decision was made, and oral or written testimony in support of that information. Essentially, if your evidence is about the subject of your appeal, you may submit it to the panel. The panel will determine if the new information is admissible.

Your Hearing

WRITTEN HEARING

You will be informed by letter of the deadlines for giving information to the Tribunal. You will have seven business days to provide written reasons to support your case; include any new information that you want the panel to consider. On receiving your submission, the Tribunal will forward it to the ministry, who has seven business days to respond. You will receive a copy of the ministry's submission.

The panel will review the written submissions, determine if any new evidence is admissible, and make a decision.

ORAL HEARING

An oral hearing (in-person or via teleconference) will normally take place within 15 business days after you submit your Notice of Appeal. You will be notified of the date, time and place of the hearing at least two business days before the hearing.

Bring your copy of the appeal package to the hearing. If possible, provide any new evidence to the Tribunal prior to your hearing so it can be distributed on your behalf. Otherwise, bring copies to the hearing.

Adjourning Your Hearing

If you cannot make it to your hearing, or if you need more time to gather evidence, you can request an adjournment to have your hearing at a later date. Fill out an Appeal Adjournment Request form, and state why you are asking for the delay. Both the ministry and the Tribunal Chair must agree to the adjournment. If it is less than one business day before your scheduled hearing, your request must be made to the panel at the hearing and the panel may grant the adjournment even if a prior request was not agreed to.