

**Social Services
Appeal Board**

**Annual Report
2022/23**



Indigenous Land Acknowledgement

We recognize that Manitoba is on the Treaty Territories and ancestral lands of the Anishinaabeg, Anishinewuk, Dakota Oyate, Denesuline and Nehethowuk peoples.

We acknowledge Manitoba is located on the Homeland of the Red River Métis.

We acknowledge northern Manitoba includes lands that were and are the ancestral lands of the Inuit.

We respect the spirit and intent of Treaties and Treaty Making and remain committed to working in partnership with First Nations, Inuit and Métis people in the spirit of truth, reconciliation and collaboration.

The Social Services Appeal Board Annual Report for the year 2022/23 can be obtained at the Appeal Board's offices at 7th floor-175 Hargrave Street, Winnipeg MB R3C 3R8; telephone 204-945-3003 or online at http://www.gov.mb.ca/fs/ssab/annual_reports.html.

This publication is available in alternate formats upon request by contacting the Accessibility Coordinator at 204-945-3744 or by email at fswebunit@gov.mb.ca.



MINISTER OF FAMILIES

Room 357
Legislative Building
Winnipeg, Manitoba R3C 0V8
CANADA

September 2023

Her Honour the Honourable Anita R. Neville, P.C., O.M.
Lieutenant-Governor of Manitoba
Room 235, Legislative Building
Winnipeg, Manitoba
R3C 0V8

May It Please Your Honour:

I have the pleasure of presenting the annual report of the Social Services Appeal Board for the fiscal year ending March 31, 2023.

Respectfully submitted,

Original signed by

Honourable Rochelle Squires
Minister of Families





Families

Social Services Appeal Board
7th Floor – 175 Hargrave Street
Winnipeg, MB, Canada R3C 3R8
T 204-945-3003 F 204-945-1736
www.manitoba.ca

Commission d'appel des services sociaux
175 rue Hargrave, 7e etage
Winnipeg (MB) R3C 3R8
Tél. : 204 945-3003 Téléc. : 204 945-1736
www.manitoba.ca

September 2023

Honourable Rochelle Squires
Minister of Families
Room 357 Legislative Building
Winnipeg MB R3C 0V8

Dear Minister Squires:

I am pleased to submit the annual report of the Social Services Appeal Board for the fiscal year ending March 31, 2023.

Section 26 of The Social Services Appeal Board Act states that within six months after the end of the government's fiscal year, the appeal board must provide the Minister with a report about the board's activities during that fiscal year.

The board is proud of its continued efforts to provide a fair and impartial appeal process to Manitoba citizens as well as informing and offering recommendations to the Minister related to matters arising from appeal hearings.

Sincerely,

Original signed by

Bobbette Shoffner
Chairperson



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BOARD MEMBERSHIP

The Social Services Appeal Board (SSAB) consists of 15 members who are appointed by the Lieutenant Governor in Council. Members must represent the social, economic, and cultural diversity of the province. They must also exhibit knowledge of the social programs and services that have the right of appeal to the SSAB. Members cannot be employees of a minister responsible for an act in which the right of appeal is granted. Each member is appointed for a term of up to two years and may be reappointed for two additional two-year terms.

Staff that support the activities of the board are employed by the Department of Families.

Appeal Board Appointees during the 2022/23 fiscal year:

Chairperson: Bobbette Shoffner (effective October 12, 2022; Chair effective May 10, 2023)
James C. McCrae (ended May 10, 2023)

Vice-Chair: Amanda Racine (Vice-Chair effective October 12, 2022)
Carmanne Berry (ended October 12, 2022)

Members: Teresa Banman (ended May 10, 2023)
Barbara Craven (effective May 10, 2023)
Viola Davidson (ended October 12, 2022)
Taranjit Dhaliwal (ended May 10, 2023)
Maxine Diamond (effective October 12, 2022)
Jason Guy Glesby (ended October 12, 2022)
Rajinder Grewal
Dolores Hardy (ended May 10, 2023)
Kimberly Harrison (effective February 15, 2022)
Prof. Israel Kabashiki
Shirley Kalyniuk (ended October 27, 2022)
Sandra Kaufmann
Songyan Liu (effective May 10, 2023)
Ganpat Lodha (effective May 10, 2023)
Jackie Maxted (effective May 10, 2023)
Pamela Peketâwasin (effective May 10, 2023)
Thomasina Sinclair
Hamath Sy
Beverly Zarazun (effective October 12, 2022)

Social Services Appeal Board Staff:

Gord Greasley, Director
Tom Ponech, Hearing Officer
Colleen Wichers, Office Manager
Amanda Nguyen, Administrative Assistant

Legal Counsel: Sarah Thomson, Thompson, Dorfman, Sweatman
Megan Smith, Thompson, Dorfman, Sweatman

BOARD BIOGRAPHIES – 2022/23

Bobbette Shoffner, Chairperson

Appointed Chair May 10, 2023

Bobbette is the Executive Director at Mount Carmel Clinic in Winnipeg. She started out as the Director of Early Learning and Parenting Programs and moved into the Executive Director role in 2011. She spent much of her early career as an Early Childhood Educator working with children and families and taught Early Childhood Education at Red River College for several years. She has been involved with numerous boards and community groups including chairing the Manitoba Association of Community Health Centres (MACH) and as a member of the Winnipeg Boldness Project Stewardship group and Gwekaanimad.

Amanda Racine, Vice-Chair

Re-Appointed May 10, 2023

Amanda is originally from Winnipeg. She studied pharmacy at Winnipeg Technical College and is a former pharmacy technician. Racine currently works as a hair stylist. She is also very active in the Boissevain community, where she volunteers with St. Andrews Community Church.

Barbara Craven

Appointed May 10, 2023

Barbara is a former Agencies, Boards and Commissions officer and the former director of administration with the Province of Manitoba. Previous to that she was responsible for the bookkeeping for the family business. Barb was very active in community events, organizing hockey and baseball tournaments as well as volunteering with other community organizations.

Maxine Diamond

Appointed October 12, 2022

Maxine has been the office manager for Dr. R. Diamond Dental Corp. for 43 years. She has a Bachelor of Science degree from the University of Manitoba and a MAT from the University of Hartford.

Rajinder Grewal

Re-Appointed May 10, 2023

Rajinder is president of Trade Mark Properties in Winnipeg. His volunteer experience includes serving as fundraising chair of the Punjab Cultural Centre and as president of the Sikh Society of Manitoba and vice-president of the Winnipeg South Sikh Centre. Grewal is fluent in English, Hindi, Punjabi and Urdu.

Kimberley Harrison

Re-Appointed May 10, 2023

Kim is a retired Civil Servant with over 30 years of experience working for the provincial government. She spent the majority of her career with the Department of Families serving in

several management positions. Kim has also gained experience as a Manager with the Department of Justice and a Human Resource Consultant with the Civil Service Commission.

After her retirement, Kim held a position with the Addictions Foundation of Manitoba prior to being accepted to the Board.

Kim brings to the Board many years of experience interpreting, analyzing and applying legislation and ensuring that all participants are treated fairly and with respect.

Professor Israel Kabashiki

Re-Appointed May 10, 2023

Israel is an educator, public servant, public policy consultant, business strategist, business technologist, and scholar-practitioner. He has attended colleges and universities in his native Democratic Republic of the Congo, Canada, and the United States. He holds a PhD in Public Policy and Administration; he holds a second doctorate —a Doctor of Management. His fields of expertise include information systems, economics, international business, management, and public policy and administration.

As an entrepreneur, he is the president and founder of two firms: IZ New Consulting and Mobile Academy of Management.

Israel has volunteered with various organizations including the International Leadership Association, the City of Winnipeg, the Winnipeg Art Gallery, the Manitoba Service Excellence Awards Leadership Sub-Committee and the Policy Developer’s Network Committee.

His professional memberships include: American Society for Public Administration, International Honor Society for Public Affairs and Administration, International Honor Society in Business Administration, Golden Key International Honour Society, International Leadership Association, and National Postdoctoral Association. His interests include professorship, scholarship, consulting, coaching, mentoring, and politics.

Sandra Kaufmann

Re-Appointed October 12, 2022

Sandra is a retired bookkeeper/office manager. Her most recent position was with Cassidy Ramsay Barristers and Solicitors, but she also spent time at Corne and Corne Barrister and Solicitors. Sandra spent numerous years bookkeeping for the family business and owning and operating her own business A Cut Above Hair Fashions in Winnipeg. In 1975 she got involved in all levels of elections and has continued to be involved. Sandra and her partner, Peter, have two children and three granddaughters. Sandra hails from Souris, Manitoba and has fond memories of life on a farm.

Songyan Liu**Appointed May 10, 2023**

Songyan is a retired biomedical researcher. He has dedicated his time to engaging in various volunteer activities within the community. He serves as the Executive Vice President of the Winnipeg Chinese Senior Association, as well as the Vice President of the South Winnipeg Community Centre. Furthermore, he sits on the board of the Winnipeg Chinese Cultural and Community Centre.

Ganpat Lodha**Appointed May 10, 2023**

Ganpat is a retired earth scientist with extensive experience in exploration for new mineral deposits and Oil & Gas resources. His discipline of study allows him to follow issues related to climate change. Since retirement he has actively volunteered for engineers & geoscientists self regulatory body, "Engineers Geoscientists Manitoba." He has also served on the Folklorama board for six years, the Mental Health Review Board for three years and the Discipline Committee - College of Registered Nurses for four years. He has also been helping with the Sharing Circle of Wellness program at Hindu Society of Manitoba for the last 12 years.

Jackie Maxted**Appointed May 10, 2023**

Jackie is an experienced Executive Director and Human Resource professional who has volunteered on a number of boards over the years. Jackie's knowledge and experience is vast and she is a welcome addition to the board.

Pamela Peketâwasin**Appointed May 10, 2023**

Pamela is a nêhiyaw iskwew from the Chacachas First Nation, was raised on the Ochapowace First Nation and has matriarchal ties to Little Pine First Nation. Pam's grandparents attended both Marieval and Round Lake Residential Schools. A proud alumni of youth exchanges, including Katimavik and Canada World Youth, Pam obtained a Bachelor of Indian Social Work in 2006. Pam spent many years working for Indigenous and non-Indigenous communities across Canada. In 2012, Pam obtained a Master's Certificate in Public Management and, most recently, a Juris Doctor degree in 2021. Currently, Pam is in-house legal counsel with the First Nations Financial Management Board.

Thomasina Sinclair**Re-Appointed May 10, 2023**

Thomasina is a member of the Opaskwayak Cree Nation. She works as a Child Development Worker for Jordan's Principle for the Opaskwayak Health Authority. As a Child Development Worker, she works with the Speech and Language Pathologist to make sure that all client needs are met. She also works with the Occupational Therapist, making appointments and meeting with families.

Thomasina is a mother of two daughters and happily married to her husband of 13 years.

Hamath Sy***Re-Appointed October 12, 2022***

Hamath is a retired director and senior manager for Canadian National Railway, South America. He also served as a Member of the Board of Regents, University of Winnipeg 2017-2021, and lectured a Financial Management course at the Université of Saint Boniface, Winnipeg Manitoba. Since retiring he is a Post-Grad instructor of logistics, economics, and enterprise risk management courses at Manitoba Institute of Trade and Technology (MITT). He continues to serve as a board member of the Mauro Institute of Peace and Justice at Saint Paul's College, University of Manitoba. Hamath is bilingual; he speaks French and English and is a volunteer at the African Communities of Manitoba Inc. (ACOMI).

Beverly Zarazun***Appointed October 12, 2022***

Beverly is a retired civil servant. She was employed for many years in the departments of Health, Energy and Mines, and Industry, Trade and Tourism. Prior to employment with the province, she worked for the Transcona-Springfield School Division as an office administrator. She is a board member of Springfield Seniors Heritage Housing Inc., a volunteer group working to provide housing for seniors in the RM of Springfield. Bev was born and raised in Brandon but moved to Winnipeg when she graduated from Business College. Bev and her husband, Adam, have two children, four grandchildren and three great grandchildren.

JURISDICTION OF THE SOCIAL SERVICES **APPEAL BOARD**

The Social Services Appeal Board (SSAB) is the independent appeal body for the majority of programs and services provided by the Department of Families. The board reports directly to the Minister of Families.

The SSAB was first established in 1959 by The Department of Welfare Act. In 1974, that Act was repealed and the SSAB continued under the provisions within The Social Services Administration Act. On February 18, 2002, The Social Services Appeal Board Act was proclaimed.

Under The Social Services Appeal Board Act, the board has the ability to determine its own administrative policies and procedures. The board's decisions cannot be overturned by the minister's office. Only the board, through a reconsideration of its decision, or the Court of Appeal, may overturn a decision.

There are several different decisions that can be appealed. These are summarized below:

Adoption Agency Licensing

Under Section 9 of The Adoption Act, an individual may file an appeal with the board if the director refuses to issue a licence for an adoption agency. An individual may also file an appeal if a licence that was previously issued has been suspended, cancelled or not renewed.

Child Care Facility Licensing

A person who is refused a licence for the operation of a child care facility other than a foster home or whose licence is suspended, cancelled or refused renewal may appeal this decision to the board under Section 8(5) of The Child and Family Services Act.

Child Care Licensing and Subsidies

Section 20 of The Community Child Care Standards Act allows the board to hear appeals on the following four issues:

- the refusal to issue a licence to a child care facility
- the suspension or revocation of a child care facility licence
- the imposition of terms or conditions on a child care facility licence
- the denial or amount of a child care subsidy

Child Care Qualifications Certification

Section 30 of The Community Care Standards Act allows a person to appeal when they do not agree with the Director's decision regarding their application for a child care certificate.

Financial Assistance Programs

Employment and Income Assistance Program AND Rent Assist

Subsection 9(3) of The Manitoba Assistance Act gives an individual the right to appeal to the board for the following reasons:

- a. he or she was not allowed to apply or re-apply for income assistance or general assistance or shelter assistance
- b. his or her request for income assistance, general assistance or shelter assistance or for an increase in income assistance, general assistance or shelter assistance was not decided upon within a reasonable time
- c. his or her application for income assistance, general assistance, or shelter assistance was denied
- d. his or her income assistance, general assistance or shelter assistance was cancelled, suspended, varied or withheld
- e. the amount of income assistance, general assistance or shelter assistance granted is insufficient to meet his or her needs

Manitoba Supports for Persons with Disabilities

The Manitoba Supports program is an income support program for persons with severe and prolonged disabilities. The program provides enhanced financial benefits, reduced red tape and other benefits tailored to the unique needs of persons with disabilities. An individual may be appeal a decision of the department for the following reasons:

- a. they were not allowed to apply or re-apply for disability support, shelter support or any other payment or service under this Act;
- b. their application was not decided within a reasonable time;
- c. their application was denied;
- d. their disability support, shelter support or any other payment or service under this Act was discontinued, reduced, varied or suspended; or
- e. the amount of disability support, shelter support or other payments under this Act, or the level of services provided under this Act, is insufficient to meet their needs.

While the program launched in full to the public on April 1, 2023, certain EIA clients were transferred beginning on January 1, 2023. As only one Manitoba Supports appeal was received in 2022-23, the program is not reported separately in this annual report. Manitoba Supports appeals will be reported separately in future years.

55 PLUS Junior Component

The Junior Component of the 55 PLUS Program provides applicants with the right to appeal to the board if an applicant is told that they are not eligible to receive benefits under the 55 PLUS Program. An appeal may also be filed if an individual disagrees with the level of benefits that they are receiving under the program. The right to appeal for these reasons is granted under Section 9 of the Income Supplement for Persons Not Eligible for Old Age Security Benefits (55 PLUS) regulation of *The Social Services Administration Act*.

Manitoba Prenatal Benefit

If an individual disagrees with the assessment or re-assessment of their Manitoba Prenatal Benefit, the individual can appeal the decision under Section 12 of the Manitoba Prenatal Benefit regulation under The Social Services Administration Act.

Residential Care Facility Licensing

A person may appeal to the board the department's decision to deny, suspend or cancel a licence for a residential care facility. An individual may also file an appeal with the board if a letter of approval relating to a residential care facility is cancelled or suspended. The right to appeal these decisions for adult facilities is granted under Section 13 of The Social Services Administration Act.

Community Living disABILITY Services (Eligibility and Individual Care Plan)

The board is responsible for hearing appeals regarding The Vulnerable Persons Living with a Mental Disability Act (now The Adults Living With An Intellectual Disability Act). Section 16 of the act allows individuals to appeal when a person's eligibility for entrance into the program is denied, or there is a dispute concerning an individual's support services plan.

THE APPEAL AND HEARING PROCESS

On November 3, 2022, The Social Services Appeal Board Amendment Act came into force. The Act made significant changes to the appeal process, improving the ability of the board to provide a fair, impartial and informal appeal process for Manitobans affected by decisions made by certain social services programs. The changes provide the board with the authority to dismiss certain appeals without a hearing, to hold hearings on the written record, and to hold hearings in front of a single panel member.

Appeals are accepted by mail, email, fax, or in person at the board office. An appeal can be made in the form of a handwritten letter or by filling out the Notice of Appeal form. The appeal must be in writing and submitted within 30 days from the time the appellant receives the decision they are appealing, although the board may extend this time period.

Once an appeal is received, it is screened against board criteria for summary dismissal and for single-member panels. If the appeal is screened for summary dismissal, the appellant is provided with an opportunity to argue that a hearing should be held. The board will not dismiss an appeal until after the appellant has had an opportunity to respond to the dismissal referral.

An appeal that has not been referred for summary dismissal may be sent to a single-member panel, for a hearing on the written record. Before the hearing, the appellant and the Department are provided with an opportunity to provide further arguments and evidence concerning the appeal.

When an appeal is sent to a three-member panel, a copy of the Notice of Appeal is sent to the respondent (the department that made the decision). The respondent is required to prepare a report outlining why the decision was made, and to include any documented evidence upon which the decision was made.

A copy of the respondent's report and a Notice of Hearing is sent to the appellant. The board is required to hold the hearing within 35 days after the appeal is received, unless the appellant requests a longer time.

The board has the power to summon witnesses if required.

The appellant may bring a person to the appeal to support them or help them present their case, but this is not a requirement.

At the hearing, three members of the board will sit as a panel to hear the appeal. The appellant is required to attend, as is a representative for the relevant program. Each party provides a short presentation and the board may ask any questions they need in order to make their decision. The board's decision is made in private following the hearing. A letter with the decision and the reasons for the decision is mailed to the appellant within 15 days.

Decisions made by the board are subject to reconsideration or application for leave to appeal from the Court of Appeal.

More detailed information about the SSAB's Policies and Procedures can be found at: <http://www.gov.mb.ca/fs/ssab/index.html>.

FINANCIAL INFORMATION

In 2022/23, the annual budget for the Social Services Appeal Board was \$463,000 consisting of \$405,000 for staff and board salaries and benefits, and \$58,000 for operating costs. Actual expenditures were \$427,000.

The board members' per diem payments are salary expenses. In 2022/23, the amount spent on board per diems was \$62,100.

09.3D Social Services Appeal Board

Expenditures by Sub-Appropriation	Actual 2022/23 \$(000)	FTEs*	Authority 2022/23 \$(000s)	Variance Over/(Under) \$(000s)	Expl. No.
Salaries and Employee Benefits	373	4.00	405	(32)	1
Other Expenditures	54		58	(4)	
Total Sub-Appropriation	427	4.00	463	(36)	

* Full time equivalents do not include board positions.

1. Lower board per diems due to fewer hearing days than anticipated

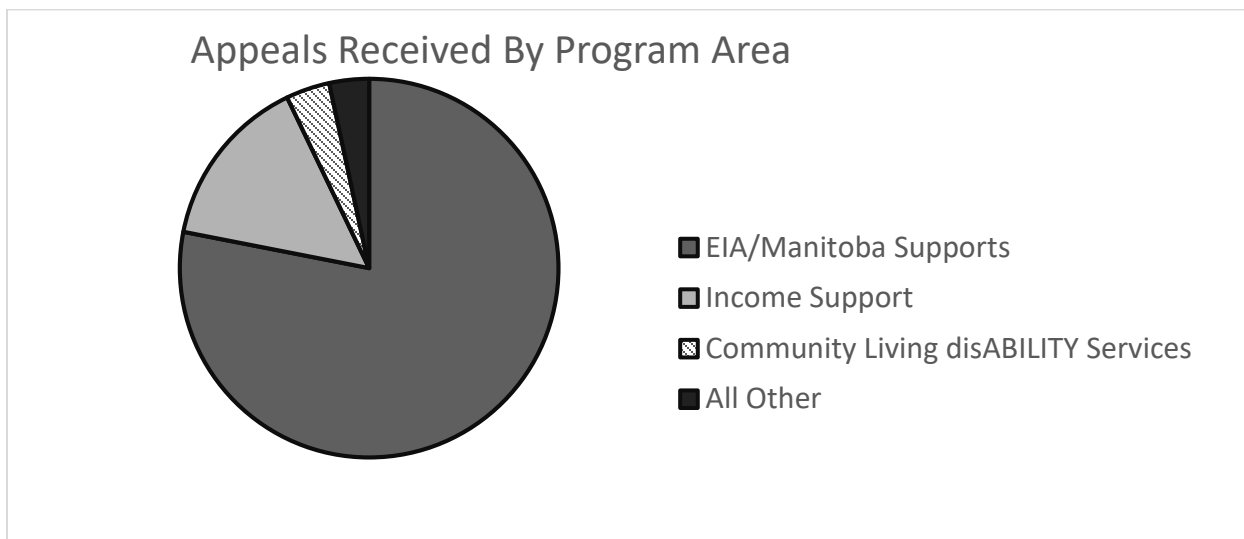
Board members are paid a per diem when they attend hearings, meetings, and training sessions. For a full day, the Chairperson receives \$243.00 and board members receive \$139.00. For a half day, the Chairperson receives \$138.00 and board members receive \$79.00.

APPEAL ACTIVITY

Appeals Received by Program

	2023/23	2021/22
TOTAL APPEALS FILED	561	536
Employment and Income Assistance/Manitoba Supports	438	408
Income Support	83	98
- Rent Assist	45	71
- 55 Plus	8	8
- Child Care Subsidy	28	18
- Prenatal Benefit	2	1
Community Living disABILITY Services	21	19
Other	19	11
- Employability Assistance for People with Disabilities	1	0
- Child Care Licensing	0	0
- Child Care Qualifications	10	6
- Residential Care - Adult	0	1
- Residential Care - Child	0	0
- No Appealable Program –out of jurisdiction*	8	4

* Not within the jurisdiction of SSAB (e.g. Employment Insurance)



Appeals Received by Disposition

	2022/23	%*	2021/22	%*
Allowed	31	6	17	3
Varied	29	5	21	4
Withdrawn Resolved	139	25	109	20
Outcome Favourable to Appellant	199	35	147	27
Dismissed/Summarily Dismissed	173	31	164	31
Withdrawn Clarified	17	3	20	4
Outcome Unfavourable to Appellant	190	34	184	34
Outside Jurisdiction	37	7	73	14
Withdrawn Abandoned/Did Not Appear	95	17	79	15
Referred back	3	1	3	1
Other	0	0	0	0
Process Closures**	135	24	155	29
Still in process	37	7	50	9
TOTAL	561	100	536	100

In 2022/23, all statistics are reported as of March 31, 2023.

Notes:

- 1 A resolved appeal means that some action was taken by the department to address the concerns raised in the appeal.
- 2 An abandoned appeal means that the Appeal Board was unable to contact the appellant and the appeal was closed.
- 3 A clarified appeal means that an explanation by the department caused the appeal to be withdrawn.
4. "Other" refers to an appeal taken which the Board convened but found no decision.

* Numbers may not add due to rounding

** A file that is closed as withdrawn – abandoned/did not appear, is referred back to the Department of Families by the Board or is deemed out of jurisdiction.

Appeals Summarily Dismissed 2022/23

TOTAL APPEALS REFERRED	Dismissed	Sent to Single Panel	Sent to Full Panel	Total
Employment and Income Assistance	18	0	2	20
Income Support	0	0	0	0
- Rent Assist	0	0	0	0
- 55 Plus	0	0	0	0
- Child Care Subsidy	0	0	0	0
- Prenatal Benefit	0	0	0	0
Community Living disABILITY Services	0	0	0	0
Other	0	0	0	0
- Child Care Licensing	0	0	0	0
- Child Care Qualifications	0	0	0	0
- Residential Care - Adult	0	0	0	0
- Residential Care - Child	0	0	0	0
- Program out of jurisdiction*	0	0	0	0

* Not within the jurisdiction of SSAB (e.g. Employment Insurance)

Reason for Dismissal

Appeal filed past legislated deadline – no extenuating circumstances	-	6
Appeal of value established by statute or regulation	-	4
Appeal already heard by Board	-	3
Previous unsuccessful appeal, same facts and circumstances	-	2
Program not within jurisdiction of the Board	-	1
No appealable decision has been made	-	1
Issue resolved prior to hearing	-	1
Total Dismissed	-	18
Referred to full panel – extenuating circumstances for late appeal	-	1
Referred to full panel – inclusion of amount in basic needs disputed	-	1

Appeals Heard by Single Member Panel 2022/23

TOTAL APPEALS REFERRED	Dismissed	Allowed/ Varied	Sent to Full Panel	Total
Employment and Income Assistance	5	0	2	7
Income Support	8	0	0	8
- Rent Assist	6	0	0	6
- 55 Plus	0	0	0	0
- Child Care Subsidy	2	0	0	2
- Prenatal Benefit	0	0	0	0
Community Living disABILITY Services	0	0	0	0
Other	0	0	0	0
- Child Care Licensing	0	0	0	0
- Child Care Qualifications	0	0	0	0
- Residential Care - Adult	0	0	0	0
- Residential Care - Child	0	0	0	0
- Program out of jurisdiction*	0	0	0	0

* Not within the jurisdiction of SSAB (e.g. Employment Insurance)

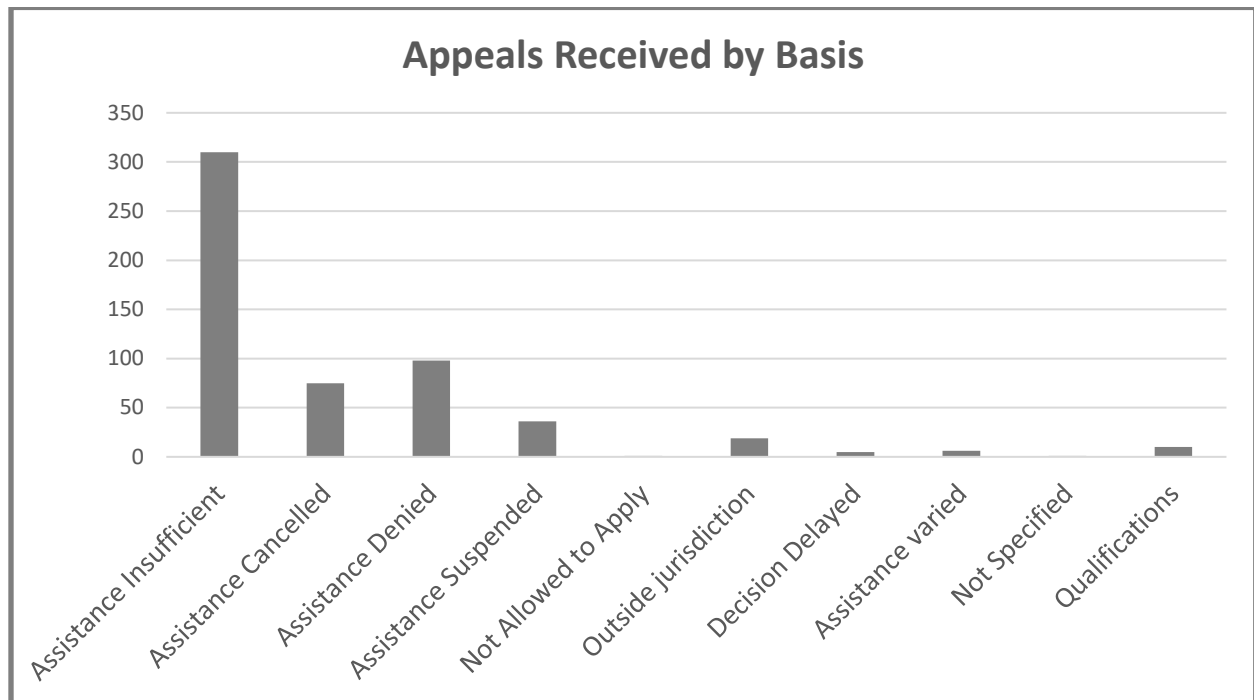
Appeals Closed, by Year Filed

Year ending March 31	2023	2022	Total
Allowed	31	0	31
Varied	29	4	33
Withdrawn Resolved	139	10	149
Outcome Favourable to Appellant	199	14	213
Dismissed	173	29	202
Withdrawn Clarified	17	1	18
Outcome Unfavourable to Appellant	190	30	220
Outside Jurisdiction	37	0	37
Withdrawn Abandoned/Did Not Appear	95	6	101
Other	0	0	0
Referred back	3	0	3
Process Closures	135	6	141
Appeals Closed	524	50	574
Carried to 2023/24	37	0	-

Appeals Received by Basis

Of the 561 appeals filed during the 2022/23 fiscal year, the basis of appeal was as follows:

Assistance Insufficient	310
Assistance Cancelled	75
Application Denied	98
Assistance Suspended	36
Not Allowed to Apply	1
Outside Jurisdiction	19
Decision Delayed	5
Assistance Varied	6
Not Specified	1
Qualifications	10



Reasons for Appeal (Moved from after Hearings by Month)**

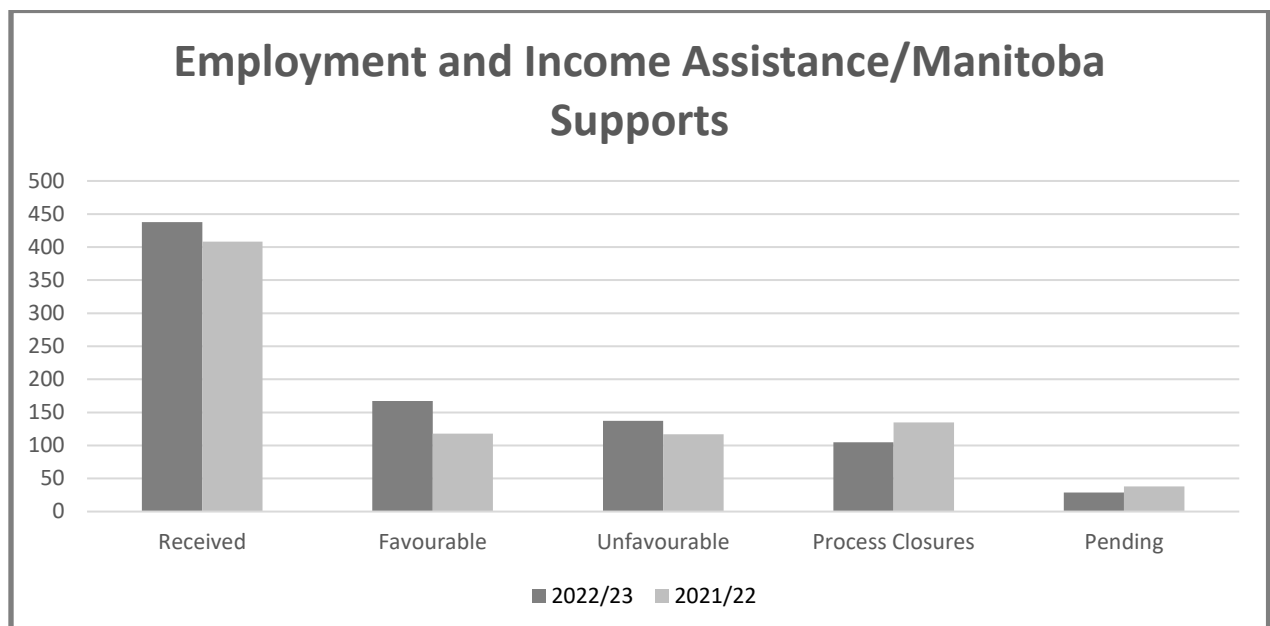
Of the 561 appeals received by the SSAB in 2022/23, the reasons for filing appeals were as follows:

Medical eligibility	120
Basic needs	24
Health needs	40
Overpayments	47
Financial resources	45
Shelter costs	33
Sanctions	16
Special needs	7
Common-law union	10
All other where reason is defined	99
Reason undefined*	120

* Programs where SSAB reviews eligibility only, or where the appeal was closed because it was a duplicate appeal, had no appealable issue or was out of jurisdiction.

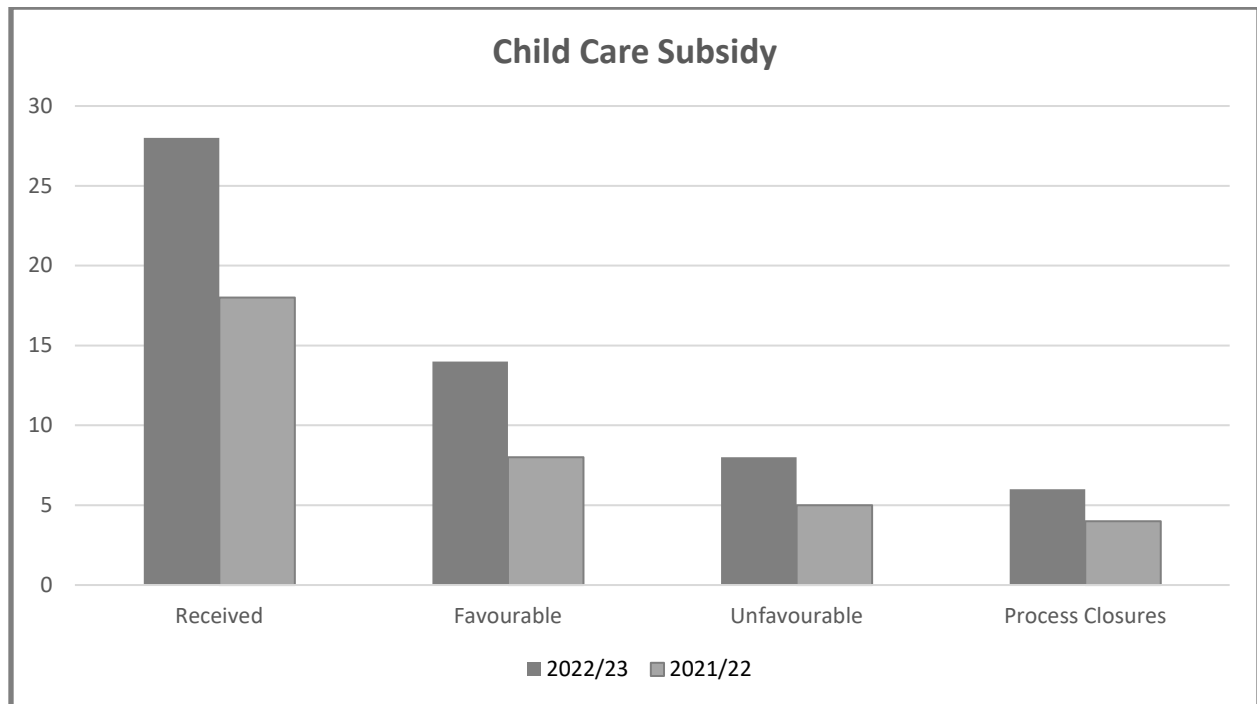
Employment and Income Assistance/Manitoba Supports:

DISPOSITION	2022/23	2021/22
Received	438	408
Allowed	23	11
Varied	29	21
Withdrawn Resolved	115	86
Favourable to Appellant	167	118
Dismissed/Summary Dismissals	126	105
Withdrawn/Clarified	11	12
Unfavourable to Appellant	137	117
Outside Jurisdiction	24	66
Withdrawn Abandoned/Did Not Appear	78	67
Other	0	0
Referred Back	3	2
Process Closures	105	135
Pending	29	38



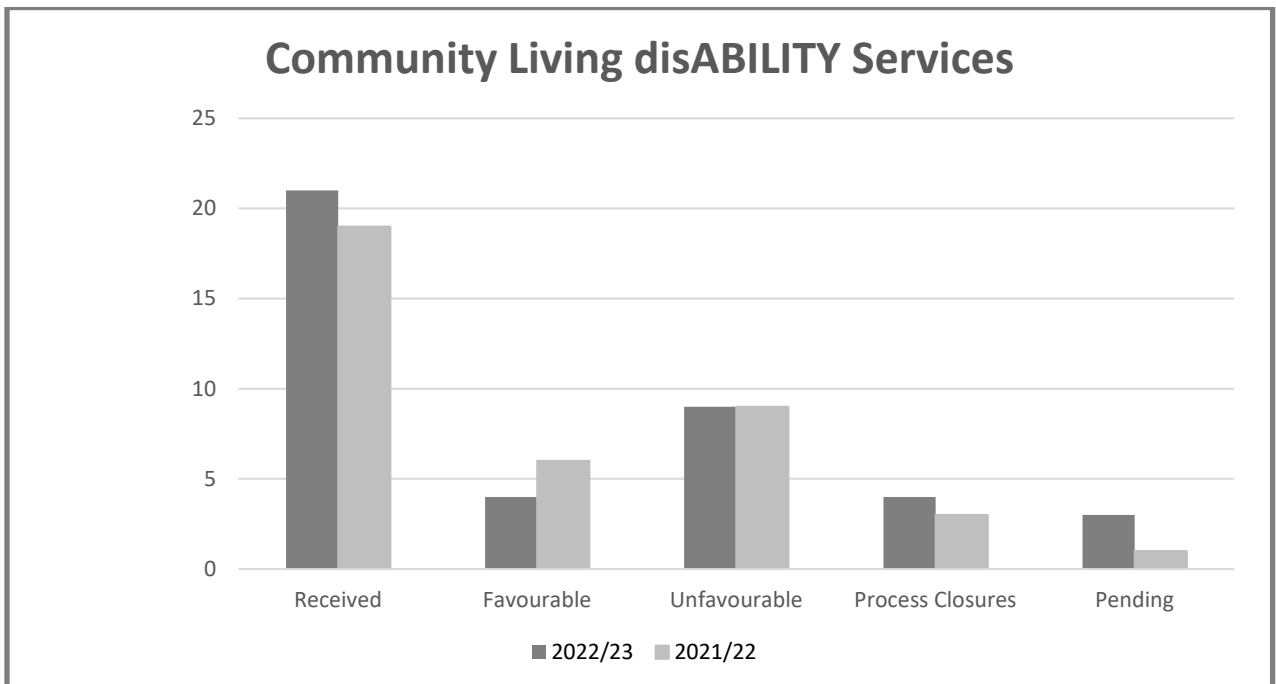
Child Care Subsidy:

DISPOSITION	2022/23	2021/22
Received	28	18
Allowed	0	0
Varied	0	0
Withdrawn Resolved	14	8
Favourable to Appellant	14	8
Dismissed	7	4
Withdrawn - Clarified	1	1
Unfavourable to Appellant	8	5
Withdrawn Abandoned/Did Not Appear	5	4
Out of Jurisdiction	1	0
Process Closures	6	4
Pending	0	1



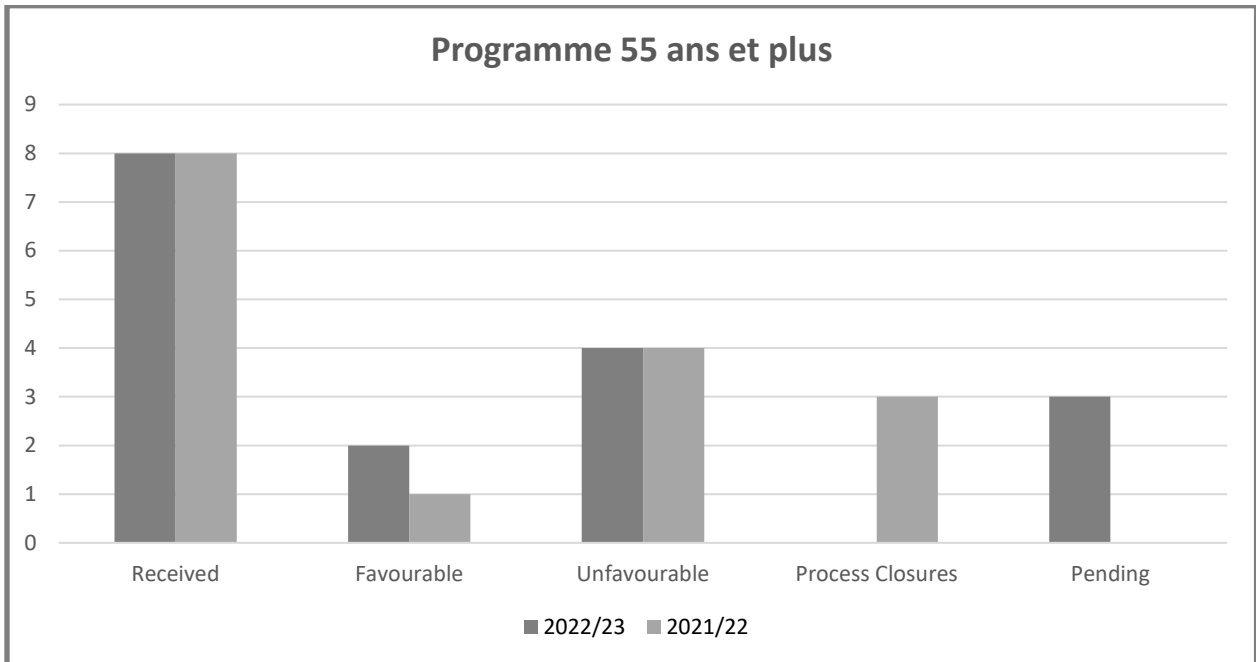
Community Living disABILITY Services:

DISPOSITION	2022/23	2021/22
Received	21	19
Allowed	4	5
Withdrawn Resolved	1	1
Favourable to Appellant	5	6
Dismissed	8	9
Withdrawn Clarified	1	0
Unfavourable to Appellant	9	9
Withdrawn Abandoned/Did Not Appear	3	2
Outside Jurisdiction	1	1
Process Closures	4	3
Pending	3	1



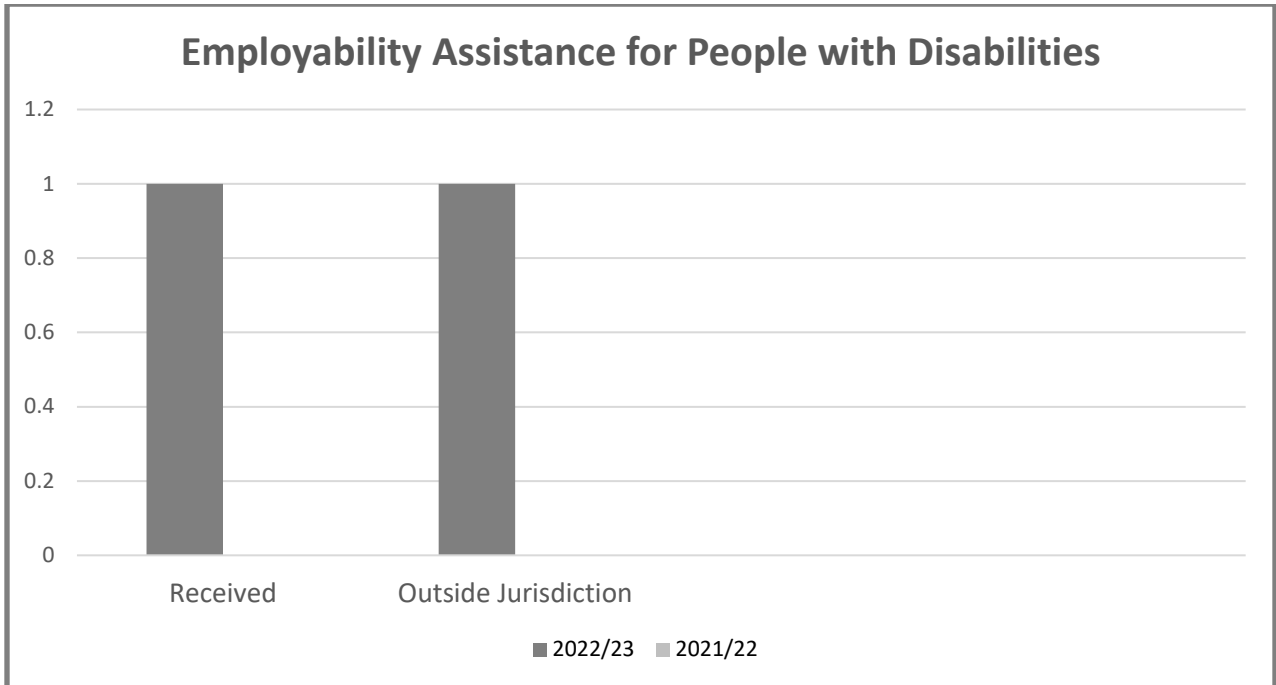
55 Plus:

DISPOSITION	2022/23	2021/22
Received	8	8
Allowed	0	0
Withdrawn Resolved	2	1
Favourable to Appellant	2	1
Dismissed	2	4
Withdrawn Clarified	2	0
Unfavourable to Appellant	4	4
Withdrawn Abandoned/Did Not Appear	0	2
Outside Jurisdiction	0	1
Process Closures	0	3
Pending	2	0



Employability Assistance for Persons with Disabilities:

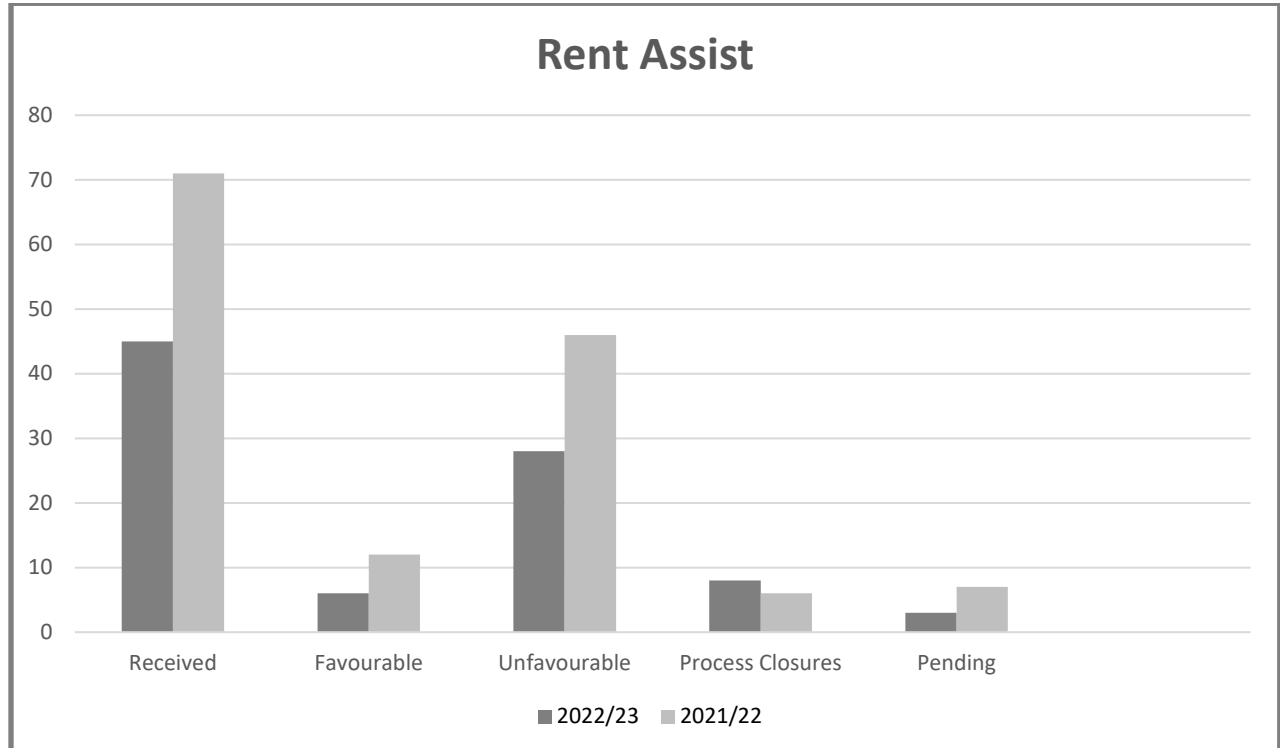
DISPOSITION	2022/23	2021/22
Received	1	0
Outside Jurisdiction	1	0



*The Board’s authority to hear appeals regarding the Employability Assistance for Persons with Disabilities program was repealed effective January 1, 2022.

Rent Assist:

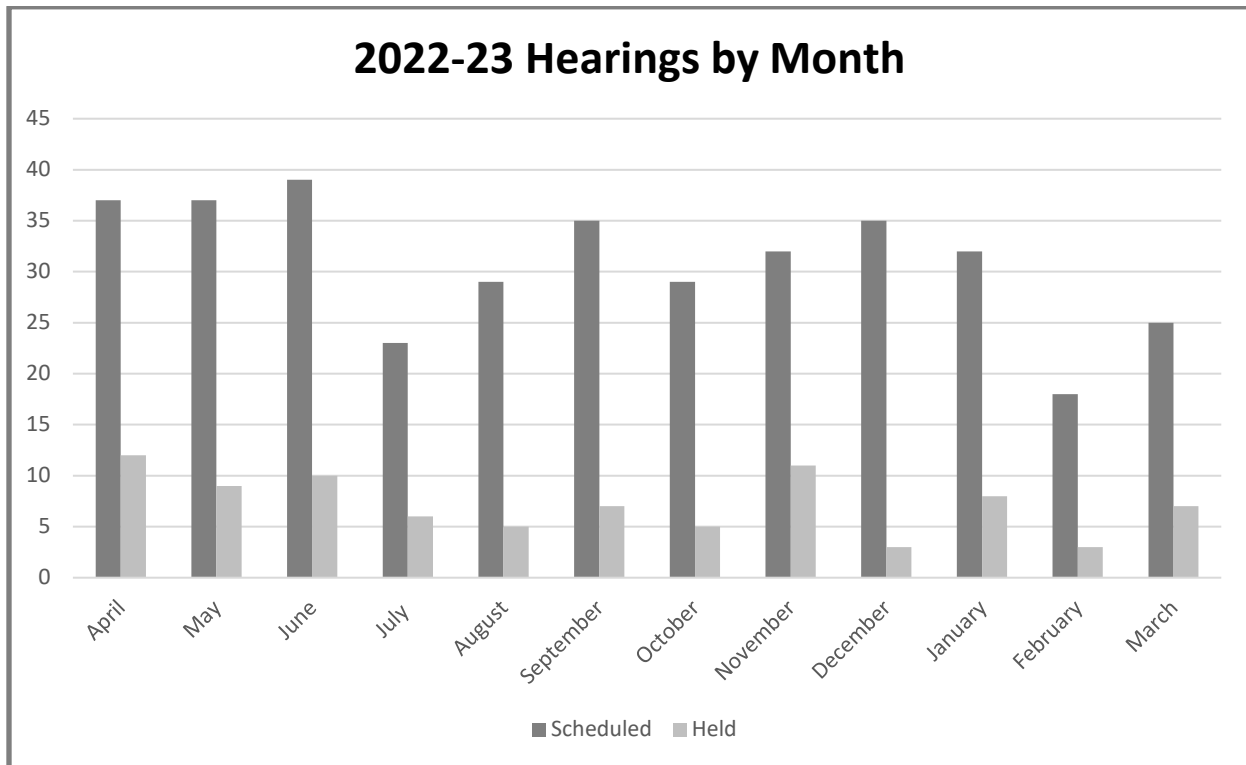
DISPOSITION	2022/23	2021/22
Received	45	71
Allowed	2	1
Withdrawn Resolved	4	11
Favourable to Appellant	6	12
Dismissed	26	40
Withdrawn Clarified	2	6
Unfavourable to Appellant	28	46
Withdrawn Abandoned/Did Not Appear	6	4
Outside Jurisdiction	2	1
Referred Back	0	1
Process Closures	8	6
Pending	3	7



2022/23 Hearings By Month:

	Winnipeg	Rural	Teleconference	Cancelled
April	16	0	9	12
May	19	0	9	9
June	12	0	17	10
July	9	0	8	6
August	10	0	14	5
September	14	0	14	7
October	12	0	12	5
November	14	0	7	11
December	22	0	10	3
January	16	0	8	8
February	11	0	4	3
March	14	0	4	7
Totals*	169	0	116	86

* Includes appeals filed in prior years



REQUESTS FOR RECONSIDERATION

According to The Social Services Appeal Board Act, either party to the appeal may request a Reconsideration of the board's decision.

A Reconsideration Request must be filed in writing within 30 days of the decision of the board and asks the board to consider the following issues:

- if the original panel or decision was, or was perceived to be biased
- if the panel process inhibited the presentation or consideration of relevant evidence
- if the decision was inconsistent with the legislation
- if an obvious administrative error in calculation or relevant dates occurred in the board's Order.

REQUESTS RECEIVED

	2022/23	2021/22
Total	10	9
From appellant	7	7
From respondent	2	2
From board	1	0

PROGRAM BREAKDOWN

	2022/23	2021/22
Employment and Income Assistance	7	8
Community Living DisAbility Services	1	0
Rent Assist	2	1

DISPOSITION

	2022/23	2021/22
Requests granted	0	1
Requests denied	8	8
Withdrawn	2	0

OF THE REQUESTS GRANTED

	2022/23	2021/22
Decision varied	0	0
Decision overturned	0	1
Decision upheld	0	0

SUMMARY OF ADVISORY ACTIVITIES

Under The Social Services Appeal Board Act, the board has the responsibility to advise and make recommendations about matters that relate to the designated social services.

In 2022/23, the board raised three issues with the Minister:

- The board was concerned that Rent Assist regulation may work against other important Department priorities. The board referenced an appeal where a single mother had her Rent Assist benefit reduced because her child had been temporarily apprehended. The mother was concerned that she would no longer be able to afford a two-bedroom residence, which was a precondition for reunification with her child. The regulation did not provide any latitude for the department or the board to mitigate this concern.
- The board recommended that the department modernize its e-transfer policy for income assistance recipients, in recognition of the dominant role e-transfers play in financial transactions between individuals.
- The board noted an increase in the number of complaints from appellants that they had attempted to contact the department to address an issue, but were unsuccessful. The department then imposed consequences for the appellants' failure to communicate. The board recognized that administrative concerns were outside its jurisdiction, but it decided to draw the issue to the Minister's attention because the issue had become significant.

The Minister has responded to the issues raised by the board. The board reviewed the steps the department has taken on the issues. The board agreed that the Minister was aware of the board's position on certain issues and was making progress.

The Social Services Appeal Board Act

(Assented to July 6, 2001)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

DEFINITIONS AND PURPOSE

Definitions

1 In this Act,

"appeal board" means the Social Services Appeal Board referred to in section 3; (« Commission d'appel »)

"designated Act" means

(a) *The Adoption Act*,

(a.1) *The Child and Family Services Act*,

(b) *The Community Child Care Standards Act*,

(b.1) *The Disability Support Act*,

(c) *The Manitoba Assistance Act*,

(d) *The Social Services Administration Act* or a regulation under that Act,

(e) *The Adults Living with an Intellectual Disability Act*,

(f) any other Act or regulation designated as a designated Act in the regulations; (« loi désignée »)

"designated officer" means a person who has authority under a designated Act to make a decision or order for which there is a right of appeal under the designated Act to the appeal board, or the person to whom that authority is delegated; (« fonctionnaire désigné »)

"minister" means the minister appointed by the Lieutenant Governor in Council to administer this Act; (« ministre »)

"panel" means a panel of the appeal board. (« comité »)

S.M. 2004, c. 42, s. 50; S.M. 2014, c. 35, s. 28; S.M. 2017, c. 26, s. 27; S.M. 2021, c. 60, Sch. A, s. 29; S.M. 2023, c. 19, s. 110.

Purpose

2 The purpose of this Act is to give Manitobans a fair, impartial and informal appeal process from decisions relating to various social services and programs.

APPEAL BOARD

Social Services Appeal Board

3 The Social Services Advisory Committee, which was established under *The Social Services Administration Act*, is continued under this Act as the Social Services Appeal Board.

Members

4(1) The appeal board is to consist of 15 members appointed by the Lieutenant Governor in Council.

Composition

4(1) La Commission d'appel se compose de 15 membres nommés par le lieutenant-gouverneur en conseil.

Who can be a member

4(2) The members of the appeal board must, in the opinion of the Lieutenant Governor in Council,

- (a) be representative of the regional, economic and cultural diversity of Manitoba;
- (b) be knowledgeable about social services and programs under designated Acts; and
- (c) not be employees under the control of a minister responsible for a designated Act.

Term of member

4(3) Each member is to be appointed for a term of up to two years and, subject to subsection (4), may be re-appointed.

Re-appointing a member

4(4) A member who has served for six years in consecutive terms may be re-appointed for a further term, but only if at least one year has passed since the end of his or her last term.

Member continues to hold office

4(5) A member continues to hold office until he or she is reappointed, a successor is appointed or the appointment is revoked.

S.M. 2015, c. 43, s. 58.

Remuneration and expenses

5 The members of the appeal board are to be paid remuneration and expenses at rates set by the Lieutenant Governor in Council.

Chair and vice-chair

6(1) The Lieutenant Governor in Council must designate one of the members of the appeal board as chair and one or more members as vice-chairs.

Duties of vice-chair

6(2) A vice-chair has the authority of the chair if the chair is absent or unable to act, or when authorized by the chair.

Staff

7 Any employees required to enable the appeal board to carry out its responsibilities may be appointed under Part 3 of *The Public Service Act*.

S.M. 2021, c. 11, s. 65

Responsibilities of the appeal board

8 The appeal board has these responsibilities:

- (a) to hear and decide appeals under designated Acts;

- (b) at the minister's request, to advise and make recommendations about matters that relate to social services and programs in Manitoba;
- (c) on its own initiative, to advise and make recommendations to the minister about social services provided under the designated Acts;
- (d) to perform any other duties assigned to it by an Act or regulation or by the minister.

8.1 [Repealed]

S.M. 2018, c. 31, s. 2; S.M. 2021, c. 28, s. 9.

Procedural rules

9 The appeal board may establish its own rules of practice and procedure and must make them available to the public.

Posting information about appeals

10 A designated officer must post information about the right to appeal to the appeal board, and about the appeal process, in a visible public location in any office in which decisions are made that can be appealed under a designated Act.

PANELS OF THE APPEAL BOARD

Appeal heard by single member or panel

11(1) An appeal must be heard by a single member or by a panel of three members.

Chair to determine size and composition

11(2) The chair must

- (a) determine whether an appeal is to be heard by a single member or a panel of three members; and
- (b) assign members to hear appeals.

Chair of panel

11(3) The chair or a vice-chair is to preside over a panel, or the chair may designate another member of the appeal board to preside.

Who is not eligible to be a member of a panel

11(4) A member of the appeal board is not eligible to hear an appeal if he or she

- (a) is a relative of a party; or
- (b) is not able to be impartial and independent about the outcome of the appeal.

Quorum

11(5) A quorum for a panel of three members is the three members.

Jurisdiction of panel

11(6) In considering and deciding an appeal,

- (a) a single member or a panel has all the jurisdiction of the appeal board and may exercise the board's powers and perform its duties; and
- (b) a decision of a majority of the members of a panel is the decision of the appeal board.

S.M. 2022, c. 38, s. 2.

APPEAL TO THE APPEAL BOARD

Filing an appeal

12(1) A person who has a right to appeal a decision or order to the appeal board under a designated Act may commence an appeal by filing a notice of appeal with the board.

Time limit for filing

12(2) A notice of appeal must be filed within 30 days after the date of the decision or order, unless the designated Act specifies a different time limit.

Extending the time limit

12(3) The appeal board may extend the time limit for commencing an appeal, and may do so either before or after the time limit expires.

Reasons

12(4) A notice of appeal must be in writing and must state the reasons for the appeal.

Parties

13(1) The parties to an appeal are the person who has a right to appeal to the appeal board and the designated officer under the designated Act.

Parties to be present at oral hearing

13(2) If a hearing is held orally, the appellant and the designated officer or a delegate of the designated officer

- (a) must be present at the hearing; or
- (b) if the hearing is conducted by telephone or through the use of other electronic means, must be able to communicate with each other and the appeal board simultaneously.

S.M. 2022, c. 38, s. 3.

Advocates

14 At the appellant's request, another person may communicate with the appeal board at any time on the appellant's behalf and may be present with the appellant at the hearing.

Notice to the designated officer

15(1) On receiving a notice of appeal, the appeal board must promptly give a copy of it to the designated officer.

Designated office must forward documents

15(2) On receiving the notice of appeal, the designated officer must promptly give the appeal board

- (a) all of the documentary evidence on which the designated officer made the decision or order being appealed;
- (b) any documents that the designated officer is specifically required to provide to the board under the designated Act; and
- (c) any other documents the designated officer thinks might be relevant to the appeal.

Dismissal of appeal

15.1(1) The appeal board may dismiss an appeal or part of an appeal if

- (a) it is not within the jurisdiction of the appeal board;
- (b) it was not filed within the applicable time limit;
- (c) in the opinion of the appeal board, its subject matter is trivial or the appeal is not made in good faith or is frivolous, vexatious or an abuse of process;
- (d) in the opinion of the appeal board, there is no reasonable prospect that it will succeed; or
- (e) its subject matter is being or has been dealt with appropriately according to a procedure provided for under another Act.

Opportunity to make submissions

15.1(2) The appeal board must not dismiss an appeal or part of an appeal unless the appellant is given an opportunity to make written submissions or otherwise be heard as to why subsection (1) does not apply to the appeal.

Reasons for dismissal

15.1(3) The appeal board must give written reasons to the parties if it dismisses an appeal or part of an appeal.

Timing of dismissal

15.1(4) The appeal board may dismiss an appeal or part of an appeal at any time before the start of the hearing.

Dismissal not subject to appeal or review

15.1(5) A dismissal under this section is final and binding and not subject to review by a court or appeal, including an appeal under section 23.

S.M. 2022, c. 38, s. 4.

Hearing date

16(1) For each appeal, the appeal board must arrange the earliest possible hearing date. The hearing must not be commenced more than 35 days after the board receives the notice of appeal, unless the board at the request of the appellant, grants an extension.

Notice

16(2) Unless the parties agree to a shorter period of notice, at least seven days before the hearing the appeal board must give the parties written notice of the date, time and place of the hearing.

S.M. 2022, c. 38, s. 5.

Parties may examine evidence

17 The appeal board must give each party a reasonable opportunity to examine and copy any information that has been submitted to the board for the purpose of the hearing.

Powers and duties of the board

18 The appeal board must inform itself fully of the facts concerning each appeal. For that purpose, the board

- (a) may require the attendance of witnesses and the production of documents in addition to the witnesses called by the parties and the documents produced by the parties; and
- (b) has the powers of a commissioner under Part V of *The Manitoba Evidence Act*.

Hearing process: rules of evidence do not apply

19(1) The appeal board is not bound by the rules of evidence that apply to judicial proceedings.

Hearing conducted orally or in writing

19(2) The appeal board may conduct a hearing orally or in writing. An oral hearing may be held in person or by telephone or through the use of other electronic means.

Closed hearing if appellant requests

19(3) The hearing is to be closed to the public if the appellant asks for it to be closed; otherwise it is to be open to the public.

Adjournment

19(4) The appeal board may adjourn a hearing when it considers it appropriate to do so.

S.M. 2022, c. 38, s. 6.

ORDER OF THE APPEAL BOARD

Order of the board

20(1) Unless the designated Act states otherwise, after a hearing the appeal board may, by written order,

- (a) confirm, vary or rescind the order or decision of the designated officer;
- (b) make any order or decision that the designated officer could have made; or
- (c) refer the matter back to the designated officer for further consideration by the designated officer in accordance with any direction of the appeal board.

Reasons

20(2) The appeal board must give written reasons for its order.

Time limit for making order

20(3) The appeal board must make its order within 15 days after the hearing ends.

Order given to the parties

20(4) The appeal board must give the parties a copy of the order and inform them of their right to appeal a question of law or jurisdiction to The Court of Appeal.

Method of giving the order

20(5) The order must be given to the parties personally or by regular lettermail or by another method acceptable to the appeal board and the parties.

Order must be given effect

21 A designated officer must give effect to the order of the appeal board.

Reconsideration of the order

22(1) At the request of a party to the appeal or on its own initiative, the appeal board may reconsider all or part of its order and may confirm, vary, suspend or rescind its order.

Time limit for making request

22(2) A written request for a reconsideration, stating the reasons for the request, must be filed with the appeal board within 30 days after the date of the board's order.

Time limit for deciding request

22(3) The appeal board must, by order, make a decision as to whether an order will be reconsidered, within 30 days after the date the request for a reconsideration is filed.

Reasons

22(4) The board must give written reasons if it decides not to reconsider an order.

S.M. 2022, c. 38, s. 7.

APPEAL TO COURT OF APPEAL

Appeal to Court of Appeal

23(1) Any party to the appeal before the appeal board may appeal the board's order to The Court of Appeal on any question involving the board's jurisdiction or on a point of law, but only after obtaining leave to appeal from a judge of The Court of Appeal.

Time limit

23(2) An application for leave to appeal must be made

- (a) within 30 days after the date of the appeal board's order under section 20;
- (b) if the applicant seeks reconsideration of an order under section 22, within 30 days after
 - (i) the date the appeal board declines to reconsider the order under subsection 22(3), or
 - (ii) the date the appeal board confirms, varies, suspends or rescinds the order; or
- (c) within any further time that a judge allows.

Parties

23(3) The parties to the appeal before the appeal board, and the appeal board, are entitled to be heard on the application for leave to appeal and on the appeal itself.

S.M. 2022, c. 38, s. 8.

Order of Court of Appeal

24 The Court of Appeal may

- (a) quash, vary or confirm the order of the appeal board; or
- (b) refer the matter back to the appeal board for further consideration in accordance with any direction of the Court.

REGULATIONS

Regulations

25 The Lieutenant Governor in Council may make regulations

- (a) designating Acts or regulations for the purpose of the definition "designated Act" in section 1;
- (b) respecting any other matter the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.

ANNUAL REPORT

Annual report

26 Within six months after the end of the government's fiscal year, the appeal board must provide the minister with a report about the board's activities during that fiscal year. The minister shall lay a copy of the report before the Legislative Assembly within 15 days after receiving it if the Assembly is sitting or, if it is not, within 15 days after the next sitting begins.

PROTECTION FROM LEGAL ACTION

Protection from legal action

27 No action or proceeding for damages may be brought against the appeal board or any member of the board because of anything done or omitted in good faith

- (a) in the performance or intended performance of a duty under this Act; or
- (b) in the exercise or intended exercise of a power under this Act.

TRANSITIONAL

DISPOSITIONS TRANSITOIRES

Transitional: definitions

28(1) In this section,

"former Act" means *The Social Services Administration Act, R.S.M. 1987, c. S165*; (« ancienne loi »)

"former designated Act" means a designated Act as it read immediately before the coming into force of this Act. (« ancienne loi désignée »)

Appeals already commenced

28(2) *Where on the day this Act comes into force an appeal under a former designated Act to the Social Services Advisory Committee under the former Act has been commenced but not finally disposed of, the appeal shall be continued and completed in accordance with that former designated Act as if this Act had not come into force.*

CONSEQUENTIAL AMENDMENTS

29 to 34 NOTE: These sections contained consequential amendments to other Acts that are now included in those Acts.

C.C.S.M. REFERENCE AND COMING INTO FORCE

CODIFICATION PERMANENTE ET ENTRÉE EN VIGUEUR

C.C.S.M. reference

35 This Act may be cited as *The Social Services Appeal Board Act* and referred to as chapter S167 of the *Continuing Consolidation of the Statutes of Manitoba*.

Coming into force

36(1) This Act, except section 33, comes into force on a day fixed by proclamation.

Coming into force: section 33

36(2) Section 33 comes into force on the day *The Social Services Administration Amendment Act, S.M. 2000, c. 31*, comes into force.