

Social Assistance and You
Developed by the Community Advocates Network
c/o North End Community Health Centre
2165 Gottingen Street Halifax, NS B3K 3B5

Assistance Appeals

Everyone who applies for or is getting income assistance in Nova Scotia has the right to appeal any decision that denies, reduces or cuts off assistance. This applies to both basic and special needs.

How to do an appeal

Assistance Appeals are done in three steps.

Sample appeal letter

Date
Your name and
Address
Your file number

Dear Name of worker

I am appealing your decision on (date) when you told me I could not get assistance because I do not have legal custody of my daughter.

Sign your name and print it.

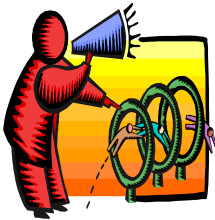
Step one: Administrative review. When your worker tells you or writes to you about a decision to cut off, cut down or not give you assistance,

- you have 30 days to appeal that decision.
- You have to make your appeal in writing.
- There are appeal forms at social assistance offices or you can write a letter (see sample).
- Your appeal should go to your local social assistance office by mail or you can drop it off.

The Department of Community Services has 10 days to review the decision you appealed and give you an answer. If the decision changes and you are happy with it, that is the end of the process.

Step two: Appeal to the Board. If the decision does not change or you do not agree with the change made,

- **you have to appeal again.**
- This time you have only 10 days to file your appeal.
- This second appeal notice is right on the bottom of the letter you will get letting you know whether the first decision has changed.
- You tear off the bottom and send it or take it to your local office.

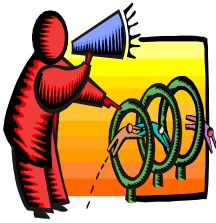


Advocacy Tip You have a right to see your assistance file before you go to a hearing. You need to ask to do this in writing. You will not be able to make copies of all the documents in your file, but you can get copies of what you need to make your case.

Step Three: The Hearing notice If you continue the appeal you will be sent a date for the hearing by registered mail. You will also get a copy of the Department's decision with written reasons, a note about the sections of the law it used to make the decision and any documents it used to make the decision. What these papers say is the case against you.

Step Four: At the hearing

A social assistance appeal board hearing is like a meeting, and also a bit like going to court. It will be in a board room and everyone will sit around a big table. It is a good idea to go to the hearing and to bring someone with you for support. You can also bring an advocate with you to help you give your side of the story. An advocate does not have to be a lawyer, but can be someone who knows how to speak at hearings like this.



Advocacy Tip: When you go to the hearing it is a good idea to prepare first. Write down, or have someone write down everything you want to say in point form, date it and sign it and give a copy to the board and to the Department at the hearing. Also bring any papers with you that will help make

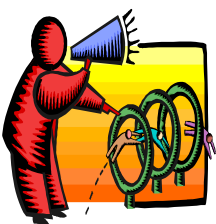
your case such as letters from doctors, your financial information, court orders.

An assistance appeal board is made up of one person appointed by the Minister of Community Services. An appeal board member cannot be an employee or former employee of the Department.

- He or she is supposed to listen to both sides.
- Usually the Department goes first and gives its side of the case.
- You can ask questions of the department's person, and the Board can also ask questions.

Then it is your turn to state your side of the case.

- You have the right to speak and not be interrupted.
- You have the right to say all you need to say, as long as it is about the case and not rude.
- The Department and the Board can ask you questions, but again the questions have to be about the case and not rude.



Advocacy Tip: Both sides can bring witnesses, but they should only be in the room when they are saying what they need to say. Do not be afraid to ask that Department witnesses leave the room except when they are giving their evidence. A witness is different than a support person. You can have a support person with you during the whole hearing.

Step Five: After the hearing

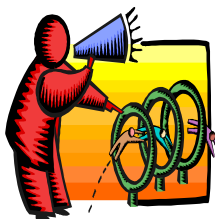
When the hearing is over, the board has 7 days to send you a written decision. If you win, the Department must grant you the assistance the Board says you are entitled to, and grant it to you back to the date you first appealed the decision. If the Board says no to you, you may be able to take the Board to court, but you need a lawyer to do this.

Sample Statement for a Social Assistance Appeal

1. My name is....and I am the person making this appeal.
2. I live on social assistance (with –name family members).
3. I was cut off assistance on (date) because I do not have legal custody of my daughter.
4. My daughter lives with me, I pay for her food, clothing and all other expenses.
5. She stays with her father only twice a month.
6. I just separated from her father (name) and I have made application to the court for maintenance and custody.
7. I gave the court paper saying when my hearing was to my worker.
8. I have done everything I can to get legal custody. I cannot speed up the courts.

Sign your name and date the statement at the bottom.

Advocacy Tip



You can call the coordinator of appeals if you are not sure where to send your letter of appeal. Phone: (902) 424-3768
Fax: (902) 424-0502

Our membership is made up of First Voice people, who are directly affected by social assistance reform, as well as groups, organizations and agencies. Together with first voice people, active members include

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