



Persons with Disabilities (PWD) Appeal Guide

Part Two: The Appeal Tribunal

If your Request for Reconsideration for the Persons with Disabilities Designation (PWD) is turned down, you have the right to ask to have your case reviewed by an independent panel, known as an Appeal Tribunal. This is the final level of appeal, unless you go to court.

This guide will provide you with information and strategies to help you to file a Request for Tribunal to the Ministry of Social Development and Social Innovation (the Ministry or MSDSI), and prepare your argument or Tribunal Submission.

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The information in this Guide is based on the legislation and policy that was current at the time of writing. The legislation and policy are subject to change. Please check the date on this page.

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Persons with Disabilities (PWD) Definition

To qualify for the Persons with Disabilities (PWD) benefit, applicants must meet the following requirements. Please see the appendices of this Guide for the full definition from the Employment and Assistance for Persons with Disabilities Act.

Applicants must:

- be at least 18 years of age
- have a severe mental or physical impairment
- have a doctor confirm that the applicant's impairment is likely to continue for at least two years
- have a doctor or health professional confirm that their impairment "directly and significantly restricts" their ability to perform **daily living activities**. The PWD legislation says this restriction must be either "continuous" or "periodic for extended periods"
- show that they need help from a person or from an assistive device to perform daily living activities because of these restrictions

Daily living activities are defined in the Employment and Assistance for Persons with Disabilities legislation as:

- preparing meals
- managing personal finances
- shopping for personal needs
- using personal or public transportation
- keeping the home clean
- moving about indoors and outdoors
- taking care of personal hygiene
- taking medication

For people with mental disabilities, daily living activities also include:

- making decisions about personal care, activities or finances; relating to, communicating with or interacting with people effectively (in other words, getting along with other people)



Applicants do not have to need assistance with all daily activities listed to qualify.



Overview of the Appeal Process

When applicants receive their denial letter from the Ministry, **they** must:

- Contact the Ministry (1-866-866-0800) and ask for a **Request for Reconsideration** form. A sample of this form is included in the appendices of this Guide.
- Complete the Request for Reconsideration form and include all the documents the applicant wants the Ministry to have when it is reconsidering the denial of the benefit.
- Return their Request for Reconsideration form and supporting documents to their local Ministry office within **20 business days** of the date they receive their denial letter.
- An extension may be granted by the Ministry if it is not possible to submit supporting documentation within 20 business days. The Ministry can delay the Reconsideration decision by 10 business days.



20 business days means that you count weekdays, not weekends or holidays. Day 1 is the day after the applicant receives their letter. It is a good idea to write on the top of the denial letter the date the applicant received it.

When MSDSI gets the Request for Reconsideration form, **MSDSI** must:

- Respond, in writing, with its decision within **10 business days** from the date it received the applicant's information.

If MSDSI denies the Reconsideration, the applicant can ask an Appeal Tribunal to hear their case. If they want to appeal to a Tribunal, **they** must:

- Inform the Employment and Assistance Appeal Tribunal (EAAT) office within **7 business days** of receiving the denial letter that they want to go to Tribunal. Applicants do this by completing a form called the Notice of Appeal to the Employment and Assistance Appeal Tribunal. The Notice may be faxed or mailed to the EAAT office. The EAAT office will record the postmark date on the Notice. Often the local Ministry office will agree to fax the Notice to the EAAT office for the applicant.



7 business days means that you count weekdays, not weekends or holidays. Day 1 is the day after the Reconsideration decision is received. Again, it is a good idea to write on the top of the denial letter the date it was received.

- Once the Notice of Appeal form has been sent, the Tribunal must be held within **15 business days**, unless the applicant, MSDSI and the Tribunal Chair agree to an extension.



Deciding Whether to Proceed to Tribunal

People who are denied PWD at the Reconsideration level must decide whether or not to proceed to Tribunal within 7 business days of receiving the decision.

The person can also choose to re-apply, rather than request an appeal. However, this will take longer than an appeal and there is a chance the second application will also be denied. If the application is denied a second time, the Ministry may dispute the applicant's right to request an appeal hearing. However, if there are new facts to consider, a second hearing will likely go ahead.

At a Tribunal hearing, people—called “appellants” during the appeal process—can provide additional information to the Ministry in support of their case. The appellant can also provide oral testimony, and witnesses can address the issue before the appeal panel (except at a written hearing).

Requesting a Tribunal Hearing

Completing the Notice of Appeal to the Appeal Tribunal form

This form is mailed with the Reconsideration Decision. A copy is included in the appendices. It is also available on the Employment and Assistance Appeal Tribunal (see On Line Resources in this Guide).

1. When completing the Notice of Appeal, make sure the appellant's contact information is up-to-date and any special needs are clearly identified. For example, are accessible facilities or an interpreter required? When noting the reason for appeal, it is only necessary to write that the denial of the PWD designation is being disputed. Make sure that 7 business days have not elapsed since your client received the Reconsideration decision.
2. The Notice of Appeal provides three ways in which an appeal can be heard:
 - **Orally in person:** the appellant and the advocate attend a hearing together, along with panel members and a Ministry representative. This kind of hearing is the best way to present written and oral testimony and the preferred option of most advocates.
 - **Orally via teleconference:** the appellant and the advocate present the case over the telephone. The Ministry representative and panel members are at different locations. This method presents a number of challenges because it is not easy to share new evidence or read visual clues.

- **In writing:** this method requires the consent of the Ministry. If the appellant is choosing a written hearing, they must be prepared to provide a new perspective on PWD eligibility: to explain why the Reconsideration decision is wrong and to say something more than what was submitted with the Request for Reconsideration. Appellants do not have an opportunity to see or respond to the Ministry's submission (which is submitted after the appellant's submission) or to answer questions.
3. The Notice of Appeal must be signed and dated by the appellant. The quickest and most direct way to submit a Notice of Appeal is to fax it to the EAAT Officer (1-877-356-9687). The form can be mailed, but it must be postmarked before the 7 business day deadline.

Advocates should complete and submit the EAAT Release of Information with the appeal notice. This form notifies the EAAT that the appellant is being assisted by an advocate and allows the advocate to request a copy of the appeal record and to make decisions on their behalf. The Release of Information form can be downloaded from the EAAT website and is in the appendices of this Guide.

Adjournments

If the appellant cannot attend the hearing at the scheduled time, or needs more time to prepare the case, an adjournment can be requested. To make a request for an adjournment, the Ministry must agree to this request. The EAAT gives final approval. The Adjournment Request form can be downloaded from the EAAT website and must be received by the EAAT office at least 24 hours before the scheduled hearing.

The advocate and/or appellant can also ask for an adjournment at the Tribunal hearing—however, the panel does not have to agree to a postponement. We recommend asking for an adjournment in advance.

Rules about Evidence

At Tribunal, there are restrictions on information the panel can consider. The allowed evidence is:

- the information and records the Ministry had at Reconsideration, and
- any new oral or written information that is in support of the information that the Ministry had at Reconsideration.

The second point means that advocates can seek new evidence that is “in support” of the issue before the Tribunal panel. The EAAT has provided guidelines on what information can be accepted as “in support” of the appeal record (see Appendices). These guidelines suggest evidence that addresses the issue of PWD eligibility—including a new doctor's letter—should be admissible.

It is up to the Tribunal panel to decide whether or not new information is accepted and how much weight it is given. The panel chair can ask the Ministry and the advocate for their views on admissibility. The advocate should have five copies of new information (one for each person) and be prepared to explain why the new evidence should be allowed.



Preparing a PWD Case

The Tribunal panel focuses on the Ministry's Reconsideration decision, so it is important for both the advocate and the appellant to read this decision carefully. In PWD cases, it is common for the Ministry to deny the PWD designation because they do not believe that the impairment is "severe" or that the person is "significantly" restricted in performing daily living activities so that they require "significant" help. The advocate should consider ways to refute the Ministry's assumptions by reviewing:

- The verbal testimony that can be presented at the Tribunal Hearing, and
- The written evidence—including new information that is in support of the appeal record—that can be used at the hearing.

The main source of verbal testimony is the appellant. The advocate should interview their client and prepare them to answer questions. In a PWD Tribunal, the appellant is often asked to describe their restrictions in daily living. They may also be asked what help they get or need.

When reviewing the written record, the advocate should consider obtaining additional letters, from the client's doctor for example, which clarify the client's eligibility for the PWD designation. This new information can address the eligibility concerns raised by the Ministry in the Reconsideration decision.

We recommend that the advocate prepare a written submission for the Tribunal panel and the Ministry representative. This submission should focus on the reasons for denial, stress all evidence that is in the appellant's favour, explain why the appellant's health limitations satisfy the definition of PWD, and finally conclude that the Ministry's decision to deny the designation was not reasonable based on the facts of the case and the medical opinion. An example of a Tribunal submission can be found in the Appendice



Tips for Advocates

- Examples of previous PWD tribunal decisions can be found on the EAAT website. Go to: www.gov.bc.ca/eaat
- If you are submitting new ‘supporting documentation,’ try to send it to the EAAT office at least 3 business days before the appeal hearing. The EAAT will then have time to forward it to all the Tribunal participants.
- There are some key words in the PWD definition such as “severe” and “significant.” The legislation does not define these words. If you have a letter from a doctor saying that his/her patient’s impairment is severe, it is difficult for the Ministry to refute this opinion.
- Disabilities can restrict a person’s ability to perform daily living activities in more than one way. For example, a person with a mental health disorder may put things off or refuse to leave their home, while a person with chronic fatigue may take 3 or 4 times longer to complete tasks on their own or have to rest and recover after periods of activity.
- Many people do not get help because they do not have friends or family who are available to provide the help. When help is lacking, the person with a disability struggles to perform daily living activities and is not able to live a full life. The PWD definition uses the word “require”—one has to demonstrate that the help is required. There are many instances where help is required but not received.
- Some doctors are unwilling to take the time to write letters of support, especially when there are short deadlines, but they may be willing to endorse statements made by their patient or respond to questions put to them by an advocate. An advocate should keep in mind that there may be more than one way to get the necessary information.



Tribunal Overview

Prior to an In-Person or Teleconference Tribunal Hearing

- The EAAT office will have distributed the Appeal Record. The Appeal Record contains all the documents the Ministry used at the Reconsideration stage and any information that was sent to the EAAT since then. Each of the panel members will have this Appeal Record before the hearing.
- The EAAT office will mail a letter to all parties notifying them of the date, time and location of the hearing.

The Tribunal Panel and Who Will be at the Hearing

The Tribunal panel is made up of up to three community members, with one person acting as Chair of the panel. The members are selected from an appointed list by the EAAT office. The Ministry will usually send a representative who will defend the Reconsideration decision. The advocate and appellant should also attend the hearing, along with any witnesses who will testify in support of the appellant.

What Happens at the Tribunal Hearing

- The hearing begins with introductions of everyone present. The Chair will then explain what is going to take place.
- The Chair will ensure that everyone has all the documentation that is in the Appeal Record. The Chair should be advised if there are any omissions or inconsistencies. At this point, the panel can be asked to accept any new information “in support” of the case. Copies of this new evidence should be distributed to all the parties and the Chair should be asked to make a decision on admissibility.
- Once this has been determined, the Chair will ask the advocate and/or appellant to present their case, to explain why the Reconsideration decision is not reasonable. The appellant should be prepared to answer questions from the panel and the Ministry representative.
- If there are witnesses that have come to testify, it may be suggested to the Chair that they do so after the advocate and appellant have presented the case. The panel members and the Ministry representative can also question witnesses.
- The Ministry representative will then be asked to explain and defend the Reconsideration decision. After this submission, the representative may be questioned by the advocate, the appellant or the panel members.
- The advocate may choose to make a brief closing summation at the end of the hearing, in which case the Chair should be advised before the hearing.
- The panel will not advise the appellant of the decision at the end of the hearing. A written decision is sent to the EAAT office within five business days and the EAAT office has another five business days to mail the Tribunal decision to the appellant.

The Tribunal Result

Tribunal decisions are either unanimous or by majority. The appeal is successful if the panel “rescinds” the Ministry’s Reconsideration decision. It is lost if the panel “confirms” the Ministry’s decision.



Frequently Asked Questions

Q. How will I be notified of the decision?

A. You will be notified by mail, usually within 2 weeks of the Tribunal.

Q. What if the appeal is lost?

A. If a Tribunal makes an error in law, it may be possible to take the case to Judicial Review. A Judicial Review must be filed to the Supreme Court of BC within 60 days of the Tribunal decision. To do this, the appellant should consult with a lawyer. A person can choose to re-apply for PWD, especially if there is new information to consider.

Q. What if I win?

A. PWD benefits are payable on the first day of the month after the Reconsideration Decision.

Q. How long is a Tribunal hearing?

A. Usually, the EAAT office schedules a hearing for two hours. Many chairs suggest that the appellant's presentation should be no longer than one hour.

Appendices

Definition of “persons with disabilities”/Daily Living Activities

Following is an excerpt of the section in the *Employment and Assistance for Persons with Disabilities Act* that sets out the criteria for PWD.

2(1) In this section:

“assistive device” means a device designed to enable a person to perform a daily living activity that, because of a severe mental or physical impairment, the person is unable to perform;

“daily living activity” has the prescribed meaning;

“prescribed professional” means a person who is authorized under an enactment to practice the profession of

- (a) a medical practitioner,
- (b) a registered psychologist,
- (c) a registered nurse or registered psychiatric nurse,
- (d) an occupational therapist,
- (e) a physical therapist, or
- (f) a social worker.
- (g) chiropractor
- (h) nurse practitioner

2(2) The minister may designate a person who has reached 18 years of age as a person with disabilities for the purposes of this Act if the minister is satisfied that the person has a severe mental or physical impairment that

- (a) in the opinion of a medical practitioner is likely to continue for at least 2 years, and
- (b) in the opinion of a prescribed professional
 - (i) directly and significantly restricts the person’s ability to perform daily living activities either
 - (A) continuously, or
 - (B) periodically for extended periods, and
 - (ii) as a result of those restrictions, the person requires help to perform those activities.

2(3) For the purposes of subsection (2),

- (a) a person who has a severe mental impairment includes a person with a mental disorder, and
- (b) a person requires help in relation to a daily living activity if, in order to perform it, the person requires

- (i) an assistive device,
- (ii) the significant help or supervision of another person, or
- (iii) the services of an assistance animal.

2(4) The minister may rescind a designation under subsection (2).

Following is Section 2 from the *Employment and Assistance for Persons with Disabilities Regulation* that sets out the criteria of daily living activities.

Daily living activities

2 For the purposes of the Act and this regulation, “daily living activities”,

(a) in relation to a person who has a severe physical impairment or a severe mental impairment, means the following activities:

- (i) prepare own meals;
- (ii) manage personal finances;
- (iii) shop for personal needs;
- (iv) use public or personal transportation facilities;
- (v) perform housework to maintain the person’s place of residence in acceptable sanitary condition;
- (vi) perform personal hygiene and self care;
- (vii) manage personal medication, and

(b) in relation to a person who has a severe mental impairment, includes the following activities:

- (i) make decisions about personal activities, care or finances;
- (ii) relate to, communicate or interact with others effectively.

APPELLANT'S SUBMISSION TO THE TRIBUNAL**Appeal No. 2014-00000**

Appellant:	Sally Green
Issue:	Eligibility for the Disability Designation (PWD)
Legislation:	EAPWD Act – definition of “person with disabilities” EAPWD Regulation – definition of “daily living activities”

Background:

The appellant is a 30 year-old single parent on income assistance. She applied for the PWD designation in June 2014. Her application and reconsideration were denied and she is appealing this decision. The Reconsideration Decision is dated October 19, 2014.

Written testimony in support of information and records before the ministry

The appellant asks the panel to consider the following documentation:

- Letter from Dr. Chow dated November 14, 2014

We ask that the appeal panel accept this information as “written testimony in support of information and records that were before” the ministry. We believe that there are grounds to accept this evidence because the new information does not introduce an entirely new issue that is not related to the issue in the appeal record

Argument

We submit that the appellant meets all the criteria for approval of the PWD designation. In particular, there are four criteria that are in dispute: whether she has a severe physical and/or mental impairment, whether this impairment is likely to continue for 2 or more years, whether this severe impairment significantly restricts her ability to perform daily living activities either continuously or periodically for extended periods; and whether she needs significant help with daily living activities as a result of these restrictions. We ask you to consider the following points that are contained in the appeal record and the new information:

Why the appellant has a severe mental impairment

- On the application, Dr. Chow has stated that appellant depression and anxiety that is serious enough to require hospitalization (pages 27, 28)
- At reconsideration, the letter from Dr. Singh dated October 4, 2012, stated that Ms. Green meets the criteria for a major depressive disorder which severely impairs her daily functioning. She requires continuous help from family in managing her medications, doing household chores, and child care Furthermore, she is experiencing physical pain due to kidney stones (page 17).

- The recent letter dated November 14, 2012, Dr. Chow states that Ms. Green has severe depression which affects her sleep, concentration and memory.

A medical practitioner has confirmed that the impairment is likely to continue for 2 or more years

Both Dr. Singh and Dr Chow have confirmed that the appellant's depression is likely continue for two or more years. We submit that the Reconsideration Decision is not accurate when it suggests that a "permanent continuous severe mental impairment" is required

Why the appellant is significantly restricted in performing a number of daily living activities periodically for extended periods

The Assessor, Dr. Chow, and Dr. Singh have all indicated that the appellant has significant restrictions in daily living activities due to her mental and physical impairment. She is restricted in activities such as meal preparation, housework, management of medications, and social functioning (pages 17, 18, 42 – 46, new letter)

Why the appellant needs significant help from other people

The Assessor, Dr. Chow and Dr. Singh have all indicated that the appellant relies on family members for ongoing help with many daily living activities (pages 17,18, 47, new letter)

In summary, we submit that there is sufficient information to determine that the appellant is a "person with disabilities." We submit that the Reconsideration Decision has put unreasonable emphasis on the earlier views of Dr. Chow and Dr. Singh where they both had expressed concern about post partum depression and the impact of the appellant's marriage breakdown. The later views of both doctors are that the appellant is suffering from severe, long term, recurring medical conditions that significantly restrict her daily functioning so that she requires help. Hence we submit that the appellant does have a severe impairment, lasting at least two years, that significantly restricts her ability to perform daily living activities so that she requires significant help from other people. When all the testimony, information and opinion are considered, the appellant meets all the eligibility criteria for the disability designation: therefore, we submit that it was not reasonable for the Ministry to deny this designation.

Conclusion:

We respectfully request that the appeal panel rule that the Ministry did not reasonably apply the legislation to the facts of this case; therefore we ask the Tribunal to rescind the Ministry's decision and allow this appeal

Prepared by the advocate on behalf of the appellant

The following Guidelines are from the EAAT website:

www.gov.bc.ca/eaat/popt/additional_evidence.html

Additional Evidence

Parties often provide the Tribunal in advance of hearings or the panel at hearings with additional evidence that does not form part of the information and records that were before the minister when the reconsideration decision was made. Panels cannot admit additional evidence unless they determine that it is supporting evidence, that is to say being evidence that is “in support of” the information and records that were before the Minister at reconsideration as per section 22(4)(b) of the *Employment and Assistance Act*.

The role of the panel is to:

1. determine whether the additional evidence is admissible as supporting evidence;
2. state why the panel determined the additional evidence was or was not admissible;
3. if necessary, determine the weight to be given to the admissible supporting evidence; and
4. make findings of fact.

Determining whether the Additional Evidence is Admissible

Section 22(4)(b) of the *Employment and Assistance Act* states:

A panel may admit as evidence only

- a. the information and records that were before the minister when the decision being appealed was made, and
- b. oral or written testimony in support of the information and records referred to in paragraph (a).

The “information and records that were before the minister when the decision being appealed was made” is referred to as the record of the ministry decision. The appeal record for the Tribunal hearing is initially comprised of the Notice of Appeal and the record of the ministry decision. Ultimately it also includes submissions made by the parties, additional information admitted into evidence by the panel, and the Tribunal decision.

Section 22(4)(b) is designed to strike a balance between a pure appeal on the record of the ministry decision and a hearing *de novo* (a completely new hearing). It contemplates that while a party may wish to submit additional evidence to the panel on the appeal, the panel is only empowered to admit “oral or written testimony in support of” the record of the ministry decision; it provides appellants with a limited opportunity to augment their evidence on appeal but it does not provide them with a hearing *de novo* or new hearing. If the additional evidence substantiates or corroborates the information and records before the minister at the reconsideration stage, the evidence should be admitted; if it does not, then it does not meet the test of admissibility under s. 22(4)(b) of the *Employment and Assistance Act* and should not be admitted.

For example, consider an appellant who argued at reconsideration that he met the 2 year employment requirement for the purposes of section 8(1) of the *Employment and Assistance Act*, but on appeal argues under section 18(4) of the *Employment and Assistance Regulation* that he was prevented due to circumstances beyond his control from searching for, accepting or continuing in employment as he did not have a work permit. He provides the panel with a copy of a work permit, dated after the reconsideration decision, which allows him to work as of that date. This additional evidence is not admissible under section 22(4)(b) as it is not “*in support of*” the records of the ministry decision as it neither substantiates nor corroborates the information and records before the minister when the decision being appealed was made.

In contrast, if an appellant appealing the denial of the PWD designation submits a doctor’s note verifying the appellant’s testimony in the Record of the Ministry Decision regarding the need for help with daily living activities, the doctor’s note could properly be admitted as it is written testimony “*in support of*” the information and records, corroborating the information before the minister at reconsideration.

Additional evidence should not be admitted if it introduces an entirely new issue that is not related to the issue in the record of the ministry decision. For example, an appellant may be appealing a reconsideration decision to deny a request for a wheelchair. On appeal,

the appellant may present a doctor’s prescription for two items, a wheelchair and a hearing aid. The additional evidence in support of the request for a wheelchair is admissible as it is supporting evidence, corroborating the information in the record of the ministry’s decision. The portion of the additional evidence that prescribes the hearing aid is not admissible because it raises a new issue, a request for a hearing aid, that is not “*in support of*” information and records before the Minister at reconsideration.

Panel members often deal with situations where the admissibility of additional evidence is not so clear. In PWD cases, for example, appellants frequently provide additional evidence on appeal regarding a medical diagnosis or condition. If this medical diagnosis or condition is not contained in the record of the ministry decision, then the additional evidence would not be admissible as it would not be “*in support of*” or corroborate the information and records before the minister at reconsideration. The additional evidence must first be put before the minister for a decision as the panel’s jurisdiction is appellate in nature and limited to determining whether the ministry’s decision was reasonable. The Tribunal is not mandated to make decisions at first instance.

Panels should request and consider both parties’ views on the admissibility of any information that is tendered as additional evidence, record the positions of the parties, and provide reasons for the panel’s determination with respect to the admissibility of such evidence. Panels must also ensure parties have an opportunity to comment on the substantive content of the additional evidence.

Determining Weight and Findings of Fact

The panel must make findings of fact based on the evidence. Findings of fact are the primary relevant facts that are “at issue” between the parties and which must be established before the legislation can be applied. If there is contradictory evidence, the

panel will need to determine what evidence it accepts and state why it prefers or gives more reliance or weight to that evidence over other evidence.

Panels may consider credibility in weighing evidence.

Credibility

There are two common errors made when determining credibility of evidence based on the demeanour of a witness or party:

- mistakenly believing someone who is lying
- mistakenly disbelieving someone who is telling the truth

Faryna v. Chorny, [1952] D.L.R. 354 contains the classic statement for resolving issues of credibility. It downplays the idea that demeanour is an indicator of truthfulness or credibility.

The credibility of interested witnesses, particularly in cases of conflict of evidence, cannot be gauged solely by the test of whether the personal demeanour of the particular witness carried conviction of the truth. The test must reasonably subject his [or her] story to an examination of its consistency with the probabilities that surround the currently existing conditions. In short, the real test of the truth of the story of a witness in such a case must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions.

Consequently, if demeanour is not a good indicator of truthfulness, then it should be possible for a decision maker to resolve credibility issues with some degree of confidence without ever laying eyes on the witnesses or parties.

Some factors to weigh:

- ability to perceive, to recall or to communicate about the testimony
- consistency with undisputed facts
- consistent with other sources of evidence

To resolve a conflict in the evidence, consider the evidence before you in light of all of the surrounding circumstances. Ultimately, the panel must articulate reasons that illustrate its decision making process was justifiable, transparent and intelligible.

Notice of Appeal

To start your appeal, you only need to send this completed form within **7 business days** of receiving the ministry's reconsideration decision.

APPELLANT INFORMATION			
NAME	CASE NUMBER	RECONSIDERATION SERVICE NUMBER	
MAILING ADDRESS: (Information about your appeal will be sent to the address you submit unless you provide a different address)		CITY	POSTAL CODE
		TELEPHONE NUMBER	
RECONSIDERATION DECISION RECEIVED ON		Month <input type="text"/>	Day <input type="text"/> Year <input type="text"/>

REASONS FOR APPEAL
Tell us why you disagree with the Ministry's reconsideration decision: <i>(The Tribunal will obtain a copy of the record of the Ministry's decision)</i>

TYPE OF APPEAL HEARING	SUPPORT AT YOUR HEARING
I would like my appeal to be held (select one): <i>(The Tribunal will attempt to accommodate your request)</i>	<i>(You may bring an interpreter, for example, a friend or family member to your hearing)</i>
<input type="checkbox"/> Oral in person	Do you require the Tribunal to arrange for an interpreter? <input type="checkbox"/> Yes
<input type="checkbox"/> Oral by telephone	If yes, what language or dialect?
<input type="checkbox"/> In writing	Do you require a hearing room with wheelchair access? <input type="checkbox"/> Yes

YOUR SIGNATURE	DATE (MONTH/DAY/YEAR)
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Send the completed Notice of Appeal form to:

Employment and Assistance Appeal Tribunal
PO Box 9994 Stn Prov Govt Victoria BC V8W 9R7
Toll Free Fax: 1-877-356-9687
Fax in Victoria: 250-356-9687
Email: eaat@gov.bc.ca

Questions? Call Toll Free: 1-866-557-0035, or in Victoria: 250-356-6374

This form allows you control over who receives your personal information. You will need to complete and return this form to the Tribunal if you wish to have a representative (agent, lawyer or advocate):

INFORMATION ABOUT YOUR REPRESENTATIVE	
NAME OF REPRESENTATIVE	NAME OF AGENCY
MAILING ADDRESS	POSTAL CODE
TELEPHONE	FAX NUMBER
Do you want information/documents about your appeal sent to:	
	Yourself <input type="checkbox"/>
	Your Representative <input type="checkbox"/>
	Both of You <input type="checkbox"/>
Do you want your Representative to attend your hearing?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you want your Representative to make decisions on your behalf?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No
I consent to the Employment and Assistance Appeal Tribunal disclosing all information on Appeal Number _____ including my personal information, to the above mentioned Representative. This consent is valid until this appeal process has been completed.	
APPELLANT'S NAME (PRINT)	
APPELLANT'S SIGNATURE:	DATE (MONTH/DAY/YEAR)

Send the completed Release of Information form to:

Employment and Assistance Appeal Tribunal
 PO Box 9994 Stn Prov Govt Victoria BC V8W 9R7
 Toll Free Fax: 1-877-356-9687
 Fax in Victoria: 250-356-9687
 Email: eaat@gov.bc.ca

Questions? Call Toll Free: 1-866-557-0035, or in Victoria: 250-356-6374