

CHIEF ADJUDICATOR'S DIRECTIVE 11

DEADLINE TO APPEAL DECISION DENYING ADMISSION OF CLAIM / NOTIFICATION FOR NON-ADMITTED LOST CLAIMANTS AND DECEASED CLAIMANTS WITH NO ESTATE IDENTIFIED

Background

- As per Schedule D, Section T and Appendix II (ii), all claimants are to be advised if their claim has not been admitted to the IAP. Claimants are permitted the opportunity to provide further information for reconsideration of the non-admit decision.
- Appendix II (ii) of Schedule D states:
 - If the case is not admitted into the IAP the claimant will be advised why and given a chance to provide additional information. At the request of the Claimant, the Chief Adjudicator *may* confirm or reverse that decision. [emphasis added] (p.19)
- As such, to non-admit a claim, the IAP envisages that claimants have the opportunity for:
 - Reconsideration by the Admissions Unit: claimants should have sufficient time to provide more information so that Admissions can reconsider its non-admit decision. Claimants have previously been provided 180 days from the date of the non-admit letter to provide additional information before their claim is considered closed.
 - Appeal to the Chief Adjudicator: Applicants have the opportunity to appeal the final non-admit decision. The Chief Adjudicator may review any final non-admit decision and in doing so, may confirm or reverse that decision.
- Due to the inability to contact applicants, files at the Admissions stage that are designated as Lost Claimant and/or Deceased Claimant With No Estate Identified (“affected claims”) have not received notice of their non-admit decision.
- Further, there is currently no deadline for claimants to file a non-admit appeal to the Chief Adjudicator. Without a non-admit appeal deadline, appeals could continue to come in after the Secretariat no longer has the capacity to handle new hearings.

Deadline to file Non-Admit Appeals

- A deadline of January 31, 2017 is hereby established for receipt by the Chief Adjudicator's Office of appeals of decisions by the Admissions Unit that deny admission to IAP claims. This deadline applies to all IAP claims.
- The January 31, 2017 deadline for a non-admit appeal is set to allow sufficient time for a successfully appealed and subsequently admitted claim to continue to hearing while there is still sufficient Secretariat and adjudicative capacity to hold a hearing. A claimant may, on written application to the Chief Adjudicator, request an extension of this deadline. The Chief Adjudicator may in his/her discretion grant the extension, provided that if doing so will not, in the opinion of the Chief Adjudicator, delay the orderly wind down of the IAP.

Special Consideration for Cases With Non-Admitted Lost Claimant and Deceased Claimants with No Estate Identified

- Lost applicant files have been processed through the Lost Claimant Protocol.
- Deceased applicants with no estate identified have had letters sent to the last known address of the applicant.

Notification for Affected Claims

- A special public notice plan is required to notify affected claims of the ineligibility of the claim and the opportunity to provide more information for reconsideration of the non-admit status. This notice plan will provide information on: (a) the non-admit status; and (b) the January 31, 2017 deadline for submitting an appeal of the non-admit status.
- All affected claims will be provided with notification on the same date, so that all have the same 180 day Request for More Information deadline listed in their non-admit letter, as well as providing the same deadline for appealing the non-admit decision.
- The notice plan for affected claims will take effect by the end of April 2016. The 180 day reconsideration period for all affected files will cease by October 31, 2016. This allows three months for the last reconsideration files to be processed by Admissions and claimants to respond with an appeal before the proposed non-admit appeal deadline of January 31, 2017.
- The Public Notification Plan for the affected claims will consist of two aspects:
 - Send registered letters to all viable last known addresses of affected claims informing the claimant of their file ineligibility and explaining the 180 day Request for More Information period and appeal deadline.
 - Publish on the IAP website a list of file numbers for all affected files, encouraging claimants or next of kin to contact their legal counsel, the Crawford Info Line or the Secretariat, and informing affected claimants of the 180 day “Request for More Information” time period and non-admit appeals deadline. The Secretariat will also engage in outreach to claimant-interested organizations for posting of the notification on external websites.

(Approved by IAPOC 4/12/16)