

Ministerial Appeals of Audit Findings

The *Student Financial Assistance Regulation*, Section 15(1)(b), defines a 90-day period within which a student may file an appeal of their audit findings, reassessment and resulting over-award. The 90-day period begins with the date on the first letter sent to the student advising them of their over award and option to appeal. Appeals from students and/or documentation in support of appeals from students will not be accepted, processed or otherwise reviewed if not filed within the prescribed 90-day appeal period.

Students who have missed the prescribed 90-day appeal period may request an extension of the appeal period. Extensions will be allowed only in rare circumstances and the grounds for the extension request must be apparent and compelling to Learner Assistance officials.

Filing an Appeal

All students, at the time they receive written notice of an over-award are advised of their option to file a ministerial appeal and the time period within which to file. If an appeal is not filed within the prescribed time period, the option to appeal will be lost. The following conditions apply to all ministerial appeals:

1. Appeals must be filed within the prescribed 90-day appeal period.
2. Appeals must be filed in writing by letter, fax or e-mail.
3. Appeals received verbally will not be considered.
4. Students must submit all documentation or other evidence which is relevant to and in support of their appeal to Learner Assistance within the prescribed appeal period.
5. Documentation or other evidence received by Learner Assistance after the prescribed appeal period will not be considered as part of the appeal.
6. Ministerial appeals of over-awards must be directed to:
Alberta Advanced Education
Learner Assistance
PO Box 28000, Station Main
Edmonton, Alberta, T5J 4R4

Request to Extend the Appeal Period

An individual may request an extension of the 90-day appeal period either before the 90-day appeal period has expired or up to six months after the 90-day appeal period has expired.

1. Extension requests must be in writing by letter, fax or e-mail.
2. Extension requests may not be filed later than six (6) months after the prescribed 90-day appeal has expired.
3. Extension requests received verbally will not be considered.
4. Extension requests must outline the reason(s) for the request.
5. Any documentary evidence submitted to support the extension request must be acceptable to Learner Assistance, and must accompany the extension request.
6. Requests for the extension of the appeal period will be allowed only in rare circumstances and the grounds for the request must be apparent and compelling to Learner Assistance officials.

7. The Executive Director, Learner Assistance will make the final decision regarding extension of an appeal period within 60 days of Learner Assistance receiving the request and all relevant documents and advise the individual of in writing.
8. Students cannot stop any collection action by filing a request to extend the appeal period after the original 90-day appeal period has expired.

The Appeal Process

There are three levels of appeals available to students. The first level is within the Program Compliance and Investigations Unit, the second is to the Executive Director/Senior Management at Learner Assistance or Alberta Human Resources and Employment (AHRE), and the third is to the Minister of either ministry or his or her designate. In both ministries, an Assistant Deputy Minister has been appointed to act on behalf of the Minister.

a) First Appeal – Program Compliance

1. Appeals at this level consist of a senior auditor conducting a detailed review of a student's file to make sure the original audit was complete, thorough and the level of funding correctly assessed. Any new information supplied by the student as part of their appeal will be considered at this time.
2. The review ensures the student receives all the funding they are entitled to within the applicable legislation and policy at the time they applied.
3. The auditor who conducted the original audit of the student's file cannot conduct the appeal review.
4. The auditor may decline the appeal, overturn the original over-award or reduce the amount of the over-award.
5. Students will be notified in writing of the results of their appeal and their option to appeal the decision to Senior Management.
6. The appeal auditor must complete their review and decide on the appeal within 60 days from the date the appeal request was received by Learner Assistance.

b) Second Appeal - Executive Director/Senior Manager

1. In the event a student is not satisfied with the results of their first appeal, they have the option to appeal to the Executive Director, Learner Assistance or a Senior Program Manager at AHRE.
2. Appeals must be filed in writing by letter, fax or e-mail within a 60-day appeal period from the date on the letter advising students of the result of their first appeal.
3. Any documentation the student wishes to submit in support of their appeal must be filed within the prescribed 60-day appeal period.
4. The appeal must be sent to the review/appeal auditor who considered their first appeal.
5. The auditor prepares a summary of the circumstances related to the audit, the information and documentation obtained, and the audit findings.
6. The file is then reviewed by a review panel. The panel is composed of the Manager Program Compliance and Investigations, the Senior Auditor and the Senior Investigator. The purpose of the panel review is to ensure the audit summary is complete, the student's arguments are considered and the audit findings are correct before referral to senior management. At this stage, the file may be returned to the appeal auditor for additional work before it goes forward.
7. The panel will sign off on the summary form and forward to the Executive Director, Learner Assistance or the Senior Program Manager at AHRE.

8. The Executive Director/Senior Manager will review the summary report and the other documents in the student's file including any new documents submitted by the student. Based on this review, the Executive Director/Senior Manager may dismiss the appeal, allow the appeal, overturn the over-award decision, or reduce the amount of the over-award.
9. The Executive Director/Senior Manager may return the file to Program Compliance and Investigations for additional audit or investigative work.
10. Upon deciding the matter, the Executive Director/Senior Manager shall notify or cause the student to be notified in writing of their decision.
11. The review by senior management must be complete and the student notified of any decision within 60 days from the day the appeal was received by Learner Assistance.
12. The Executive Director will advise the student of their right to appeal the decision to the Minister or his/her designate if the student is not satisfied with the decision made by the Executive Director/Senior Manager.

c) Final Appeal – the Minister

1. In the event a student is not satisfied with the results of their second appeal, they have the right to appeal to the Minister.
2. For the purposes of student appeals defined in the *Student Financial Assistance Regulation*, Section 15(1)(a), an Assistant Deputy Minister has been appointed to act on behalf of the Minister of Advanced Education or the Minister of AHRE.
3. Appeals to either of the appointed Assistant Deputy Ministers are considered an appeal to the Minister.
4. Appeals must be filed in writing by letter, fax or e-mail within a 30-day appeal period from the date on the letter advising students of the result of their second appeal.
5. Any documentation the student wished to submit for a ministerial appeal must be filed within the prescribed 30-day appeal period.
6. All appeals must be directed to the attention of the Assistant Deputy Minister at:
Alberta Advanced Education
Learner Assistance
PO Box 28000, Station Main
Edmonton, Alberta, T5J 4R4
7. After receiving the request for an appeal and reviewing the summary report, documentation and any other relevant information, the Assistant Deputy Minister may dismiss the appeal, allow the appeal and overturn the over-award decision, or reduce the amount of the over-award.
8. The Assistant Deputy Minister shall notify the student in writing of the decision regarding their appeal.
9. The review by Assistant Deputy Minister must be completed and the student notified of any decision within 60 days from the day the appeal was received by Learner Assistance.
10. The decision of the Assistant Deputy Minister is final.