

**TEACHERS' PENSION PLAN
APPEALS PROCESS AND PROCEDURES
(EFFECTIVE MAY 28, 2004)**

- 1 Appeals may only be made concerning decisions on the application or interpretation of plan provisions that have been communicated in writing to a member, pensioner or beneficiary. Upon request, the plan administrator, or anyone delegated by him to act for him, will provide a member, pensioner or beneficiary with a letter confirming the decision.
- 2 Appeals may only be made by a member, pensioner or beneficiary or an agent acting for any of these. A former member is not entitled to launch an appeal.
- 3 Appeals must be made in writing to the plan administrator. They should be addressed to:

Director
Nova Scotia Pension Agency
PO Box 371
1949 Upper Water Street, 4th Floor, Purdy's Landing
Halifax NS B3J 2P8

Appeals may be sent to the plan administrator by fax to 902/424-0662.

Appellants are urged to use a means of delivery that provides proof of delivery, such as registered mail, certified mail or courier.

- 4 Appeals must be received by the plan administrator within 90 calendar days of the day upon which the member, pensioner or beneficiary was notified of the decision that is being appealed. This notification will be deemed to have taken place on the date on the letter that confirmed the decision.
- 5 The plan administrator will acknowledge receipt of the appeal, in writing, within fourteen calendar days of receiving it.
- 6 The plan administrator will contact the Committee members within fourteen calendar days of receiving the appeal to arrange for a hearing.
- 7 The Committee will fix a date, time and location for the hearing and will advise the appellant accordingly. The appeal is to be heard when it is practical and convenient for all concerned, but shall be within ninety calendar days after expiry of the of the fourteen day period specified in section 6 above.
- 8 The appellant must provide to the Plan administrator any statements, documents or other evidence that the appellant intends to present to the Committee no later than thirty calendar days before the hearing date. The Plan administrator will acknowledge receipt of this documentation.
- 9 The Plan administrator must provide to the appellant any statements, documents or other evidence that the Plan administrator intends to present to the Committee no later than thirty calendar days before the hearing date. The appellant will acknowledge receipt of this documentation.

- 10 The appeal hearing shall not be open to the public and no person shall be present other than the parties to the appeal, their counsel (if any), and any other person the Committee may require or permit to be present.
- 11 No later than twenty-one calendar days before the hearing date, the appellant must file with the Committee the name of any person who will represent the appellant at the hearing and the name of any person or persons who will be called to give evidence at the hearing. The Committee will advise the plan administrator of this.
- 12 The Committee, the appellant and all persons associated with the appeal will respect the confidentiality of all documents and records.
- 13 The Committee may have any evidence filed before, or introduced during, the appeal hearing reviewed by any other persons it considers appropriate.
- 14 Where the appeal is in respect of a decision concerning an application for a disability pension, the Committee may require the appellant to be examined by a medical doctor who is a specialist in the subject area under review. The specialist will make and deliver a report to the Committee upon completion of the examination. Any fee charged by the specialist for such an examination will be the responsibility of the Committee.
- 15 The Committee may adjourn a hearing anytime, and from time to time, but no adjournment will cause undue delay in rendering a decision.
- 16 The Committee will decide all questions arising during a hearing in respect of procedure or admissibility of evidence.
- 17 The Committee will make a written decision, including reasons, and deliver it to all parties to the appeal within thirty calendar days from the date the hearing is completed.
- 18 If the appellant is successful in his appeal, all actual and reasonable out of pocket expenses incurred by the appellant will be reimbursed from the pension fund. Costs related to the appeal incurred by the Committee and the plan administrator will be administrative costs under the plan and will be charged to the Fund.
- 19 Costs of the appeal incurred by the Committee and the plan administrator that are chargeable to the Fund will include, but are not limited to,
 - (a) reasonable costs for travel, meal and accommodations;
 - (b) cost of renting facilities required to conduct the appeal hearing;
 - (c) costs such as secretarial assistance, postage, printing, photocopying, stationery, courier and telecommunications services;
 - (d) salaries, fees or honoraria.
- 20 Reimbursement for travel costs will be at the rates paid by the Province to its employees.
- 21 The Chair of the Committee shall receive a fee to be set from time to time by the Board for each half day of appeal hearings or part thereof. No other member of the Appeal Committee shall receive a fee or other honoraria paid from the Fund.
- 22 All logistical arrangements required for a hearing shall be made by the plan administrator on behalf of the Committee.
- 23 Members of the Committee will submit all claims for travel and any other out-of-pocket expenses to the plan administrator who will arrange for approval and payment from the Fund.