

NOAMA LEG Funding (Reporting Requirements) Appeal Policy

Last Approved:

NOAMA Board

October 15, 2022

1. Purpose:

The NOAMA Board has developed this policy to streamline the appeal process for LEGs appealing the LEG funding, flowing from the LEG Reporting Requirements.

2. Background:

LEG Funding, as a result of the LEG Reporting Policy, can be appealed to the NOAMA Board. The request for appeal must contain a concise statement of the grounds for appeal.

3. Request for Appeal:

- a. A LEG who wishes to challenge LEG Funding may appeal to the NOAMA Board if the LEG does not agree with the decision issued by NOAMA.
- b. A LEG has 30-days from the date of funding communication to initiate an appeal.
- c. A LEG must email a letter to the NOAMA Board including the ground(s) for appealing the member's determination.

4. Appeal Procedure:

The following procedure is followed to resolve appeals as quickly as possible since the NOAMA Board does not have to adhere strictly to all technical rules of evidence. However, decisions issued under this procedure may not be treated as precedents for other cases.

- a. The Notice of Appeal must be in writing and indicate the relevant facts and the reasons for appealing. The Notice of Appeal may be filed by electronic mail to noama@noama.ca. The Notice will be deemed to be filed the day it is received by NOAMA.
- b. The appellant will be invited to speak to the NOAMA Board at an in-camera session.
- c. The appellant will then be dismissed from the meeting so the Board can make a decision on the appeal. This decision is final.
- d. The NOAMA Board will respond within 90-days of the date that the notice of appeal was filed.

5. Applying for an Extension to the 90-day Appeal Timeframe:

- a. A LEG who has not appealed within the 30-day time limit may apply to the NOAMA Board for an extension of the time to appeal. The application must give the reasons why the appeal was not made within the required time limit.
- b. An extension of time will not be granted unless the following conditions have been met:
 - the application is being made within one year after the expiration of the time limit for appealing;
 - the LEG demonstrates that, within the time limit for appealing, the LEG was unable to act or to have someone else act in the LEG's name, or the LEG had a *bona fide* intention to appeal;
 - the LEG demonstrates that, given the reasons set out in the application and the circumstances of the case, it is just and equitable to grant the application for an extension of time;
 - the LEG demonstrates that the application was made as soon as circumstances permitted it to be made; and
 - the LEG demonstrates that there are reasonable grounds for the appeal.