

## 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 overpayment. The 90-day period begins with the date on the first letter sent to the student advising them of their overpayment 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.

## Filing an Appeal

All students, at the time they receive written notice of an overpayment, 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 email.
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 Student Aid within the prescribed appeal period.
5. Documentation or other evidence received by Student Aid Alberta after the prescribed appeal period will not be considered as part of the appeal.
6. Ministerial appeals of overpayments must be directed to:

Advanced Education  
Student Aid Alberta  
PO Box 28000, Station Main  
Edmonton, Alberta T5J 4R4

## 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, Student Aid and the third is to the Minister of Advanced Education or an appointed designate. The Minister will review supporting documentation related to the appeal. The Assistant Deputy Minister, Apprenticeship and Student Aid Division has been appointed to act on behalf of the Minister to decide appeals.

## **Level 1 - 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 re-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 appeal auditor may decline the appeal, overturn the original overpayment or reduce the amount of the overpayment.
5. The appeal auditor must complete their review and decide on the appeal within 60 days from the date the appeal request was received by Student Aid Alberta.
6. Students will be notified in writing of the results of their appeal and their option to appeal the decision to the Executive Director.

## **Level 2 - Second Appeal: Executive Director**

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, Student Aid.
2. Appeals must be filed in writing by letter, fax or email 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 appeal 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 the Manager Program Compliance and Investigations and the Senior Auditor. The purpose of this review is to ensure the audit summary is complete, the student's arguments are considered and the audit findings are correct before referral to the Executive Director. At this stage, the file may be returned to the appeal auditor for additional work before it goes forward.
7. The Manager Program Compliance will sign off on the summary form and forward to the Director, Student Services for review and sign off and then put forward to the Executive Director, Student Aid for review and a decision.
8. The Executive Director will review the summary report and the documents/information in the student's file. Based on this review, the Executive Director may dismiss the appeal, allow the appeal, overturn the overpayment decision or reduce the amount of the overpayment.

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 shall notify or cause the student to be notified in writing of their decision.
11. The review by the Executive Director must be complete and the student notified of any decision within 60 days from the day the appeal was received by Student Aid Alberta.
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.

### **Level 3 - 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, Advanced Education.
2. For the purposes of student appeals defined in the Student Financial Assistance Regulation, Section 15(1)(a), the Assistant Deputy Minister, Apprenticeship and Student Aid Division has been appointed to act on behalf of the Minister.
3. An appeal to the Assistant Deputy Minister is considered an appeal to the Minister.
4. Appeals must be filed in writing by letter, fax or email 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 wishes 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, Apprenticeship and Student Aid Division at:  

Advanced Education  
Student Aid Alberta  
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 overpayment decision, or reduce the amount of the overpayment.
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 Student Aid.
10. The decision of the Assistant Deputy Minister is final.