



# Guide to the Disability & Rehabilitation Review and Appeal Process

The information provided in this guide is intended to be general. In the event of any discrepancy or conflict between this guide and the *Disability and Rehabilitation Plan Text* (D&R Plan Text), the D&R Plan Text language applies.

The D&R Plan Text is the final authority concerning or related to the administration and/or interpretation of the D&R Plan.

**If you disagree with a decision we make to decline or end your Disability & Rehabilitation (D&R) Plan claim, you have the right to ask us to review it.**

There are three levels of review available to you:

- **Level One Review** – conducted by your HEB Manitoba Claims Specialist, or designate. If you are still not satisfied after the Level One Review, you may request a Level Two Review.
- **Level Two Review** – conducted by a designated HEB Manitoba Claims Specialist and Supervisor. Requires a Level One Review to be completed first.
- **Appeal Hearing** – conducted by a qualified Arbitrator external to HEB Manitoba. The Appeal Hearing may be conducted in writing or in person. The Arbitrator's decision is final, confidential, and binding on you and HEB Manitoba. Requires Level One and Two Reviews to be completed first.

All decisions are based on the provisions of the *Disability and Rehabilitation Plan Text*. Your decision letter will give specific details, instructions, and important deadlines.



# Internal Reviews

## Level One Review

The Level One Review is an in-house, independent assessment and review of:

- All clinical and vocational documentation in your claim file.
- Any other supporting information submitted by you or on your behalf by the required date.

This information is called the Level One Review Documentation.

The Reviewer is your HEB Manitoba Claims Specialist or designate.

The goal of a Level One Review is to decide whether there is a justifiable basis to decline or end your claim and, if not, whether there is enough documentation on file to support a decision to reinstate your D&R Benefits.

### To Request a Level One Review

You must request a Level One Review, in writing, within 60 calendar days of the date of the claims decision. (Your decision letter will provide the actual deadline date.)

Your request must include all of the additional documentation outlined in our claims decision letter and any new information that you wish to submit for review.

### The Review Process

Your Claims Specialist, or designate, acknowledges, in writing, receipt of your request for review, and:

- decides to reinstate D&R Benefits where warranted, or
- requests additional information if required, or
- upholds the original decision to decline or end D&R Benefits.

All decisions must be consistent with the provisions of the *Disability and Rehabilitation Plan Text*.

Your Claims Specialist or designate communicates the Level One Review Decision to you in writing within 14 calendar days.

▲ If your Level One Review is not successful, you can request a Level Two Review.



## Level Two Review

You may only request a Level Two Review if you are still not satisfied after a Level One Review has been completed.

The Level Two Review is an in-house, independent assessment and review of:

- the Level One Review Documentation, and
- all other supporting information submitted by you or on your behalf by the required date.

This information is called the Level Two Review Documentation.

The Reviewer is a designated HEB Manitoba Claims Specialist and Supervisor.

The goal of the Level Two Review is to decide whether there is a justifiable basis for the decision to decline or end your claim and, if not, whether there is enough documentation on file to support a decision to accept or reinstate your D&R Benefits.

### To Request a Level Two Review

You must request a Level Two Review, in writing, by the required date. (Your Level One Review decision letter will provide the actual deadline date.)

Your request must include all additional documentation outlined in our claims decision letter and any new information that you wish to submit for review.

### The Level Two Review Process

The Level Two Reviewer acknowledges, in writing, receipt of your request for review, prepares documentation, summarizes the case, and identifies any issues that need to be reviewed.

They then send the file to a Supervisor for assessment and arrange for follow-up in ten working days.

The Supervisor reviews the Level Two Reviewer's summary, the Level One Review Decision, and all documents related to the claim, and:

- decides to reinstate D&R Benefits where warranted, or
- requests additional information if required, or
- upholds the original decision to decline or end D&R Benefits.

Your Claims Specialist communicates the Level Two Review Decision to you in writing within 14 calendar days of receiving the Supervisor's review.

▲ If your Level Two Review is not successful, you can request an Appeal Hearing.



# Appeal Hearings

The Appeal Hearing is the third and final level of review available to you. Level One and Level Two Reviews must be completed first.

The Appeal Hearing will be heard before a single Arbitrator. It will be based on your file as it exists at the date of the final Decision which is the subject of the Appeal.

**The Arbitrator will not accept any new evidence.**

▲ The outcome of the Appeal Hearing is final, confidential and binding.

*You may ask for an Appeal Hearing in person or an Appeal Hearing in writing.*

## Appeal Hearing in Person

An Appeal Hearing in person is an oral hearing based on the file as it existed at the time of HEB Manitoba's final adjudication.

**No new evidence may be submitted.**

You and a HEB Manitoba representative will be required to attend in person. If you are incapacitated, a representative may attend in your place.

You are entitled, at your own cost, to the assistance of an advocate, representative, or lawyer/legal counsel. HEB Manitoba is also entitled to the assistance of an advocate, representative, or lawyer/legal counsel at its own cost.

The Arbitrator will direct the process to be followed at the Appeal Hearing.

Only you and a HEB Manitoba representative will be allowed to provide oral evidence, which must be limited to matters in your file as it existed at the **date of the final Decision** which the subject of the Appeal Hearing.

If you attend an Appeal Hearing in person, HEB Manitoba will reimburse you for reasonable relevant travel costs.

## Appeal Hearing in Writing

An Appeal Hearing in writing based upon the Arbitrator's review of the file as it existed at the time of HEB Manitoba's final adjudication.

The Arbitrator will study the existing records and reports that HEB Manitoba used to make its decision.

You and HEB Manitoba may also provide written submissions to the Arbitrator for consideration.

**No new evidence may be submitted.**

## To Request an Appeal Hearing

Complete and submit the *Request for Hearing and Member Agreement and Acknowledgement* forms within 60 calendar days from the date of the Level Two Decision you wish to appeal. (The exact date is in the Level 2 decision letter.)

For your convenience, we will include the *Request for Hearing* form, the *Member Agreement and Acknowledgement* form and the outline of the appeal process with your Level 2 Review decision letter. You can also download these documents from our website.

## The Appeal Process

After we receive your completed *Request for Hearing and Member Agreement and Acknowledgement* forms we will send you a list of eligible Arbitrators to hear the Appeal.

You must declare any conflict of interest with the Arbitrators and return the letter indicating which Arbitrator you have selected to hear your Appeal. The due date and instructions will be provided with the list of eligible Arbitrators.

If there is no conflict of interest identified with the Arbitrator selected, we will schedule the Appeal Hearing and provide you with the date.

We will provide you and/or your advocate/representative, and the Arbitrator with a Case Summary, including a complete copy of your file no later than 14 calendar days before the Appeal Hearing date.

## Decision

The Arbitrator will provide a written decision no later than 30 calendar days after the Appeal Hearing ends.

The Arbitrator's Decision is final and binding, subject only to the review process contemplated by s. 44(1) of *The Arbitration Act (Manitoba)*.

## Confidentiality

HEB Manitoba is responsible to ensure that all matters related to the Appeal Hearing are conducted in a confidential manner.

All parties (you, HEB Manitoba and any representatives or legal counsel assisting you), are required to maintain confidentiality of the written decision received from the Arbitrator, except for any disclosure that may be required by law.

## About the Arbitrator

We keep a list of qualified individuals who are willing to serve as Arbitrator for Appeal Hearings. This list of Arbitrators is approved by the HEBP Board of Trustees.

When you request an Appeal Hearing we will provide you with the names of two Arbitrators from the list and you will select one of them to review your Appeal.

We coordinate with your chosen Arbitrator to confirm there is no conflict of interest. If there is none, we schedule the Appeal Hearing.

HEB Manitoba will compensate the Arbitrator reasonably for their attendance at the Appeal Hearing and for reasonable expenses incurred as a result of their attendance.

## The Arbitrator's Role and Responsibilities

The Arbitrator will direct the process to be followed at the Appeal Hearing. They may adjourn an Appeal Hearing when they are satisfied they have enough information to make a decision.

All evidence presented, whether in person or in writing must be relevant to merit consideration by the Arbitrator. The Arbitrator may determine relevance at their discretion.

The Arbitrator has authority to decide whether your appeal should be allowed or refused.

If they decide that your appeal is to be allowed, they will determine your entitlement to D&R Benefits in accordance with the provisions of the *Disability and Rehabilitation Plan Text*.

The Arbitrator will provide a written decision no later than 30 calendar days after the Appeal Hearing ends.

The Arbitrator's Decision is final and binding, subject only to the review process contemplated by s. 44(1) of *The Arbitration Act (Manitoba)*.

## Request a Copy of Your D&R Claim File

We will automatically send you a complete copy of your claim file when an Appeal Hearing is scheduled.

You may also request a copy of your D&R claim file for yourself or your representative at any time. This request must be in writing.

## Review and Appeal Hearing Quick Comparison

	Level One Review	Level Two Review	Appeal Hearing (in person or in writing)
<b>Allows additional information to support your claim?</b>	Yes – if provided by the deadline.	Yes – if provided by the deadline.	No.
<b>Reviewed by:</b>	A HEB Manitoba Claims Specialist or designate.	A designated HEB Manitoba Claim Specialist and Supervisor.	An external Arbitrator.
<b>Next step if you still disagree with the decision?</b>	Level Two Review.	Appeal Hearing.	None. The Arbitrator's decision is final and binding.



# More Information

Contact your D&R Claims Specialist with any claim questions. Please be ready to quote your claim number.

## hebmanitoba.ca

Visit [hebmanitoba.ca](http://hebmanitoba.ca) for information about your benefits and to access the member portal.

### Member Portal

Log in to the member portal at [hebmanitoba.ca](http://hebmanitoba.ca). You can use the tools on the member portal to:

- See coverage and premium details for your HEB Manitoba benefits
- Update your personal information
- Report life events to keep your coverage up to date
- View your Annual Statements and other HEB Manitoba documents
- Communicate with us on a secure platform
- And more...

### Email

[DRinfo@hebmanitoba.ca](mailto:DRinfo@hebmanitoba.ca)

*Please do not include personal information in your email.*

### Fax

204-975-1165

### Mailing Address

HEB Manitoba  
900-200 Graham Avenue  
Winnipeg, Manitoba R3C 4L5

### Accessibility

This publication is available in alternate formats on request. To request an alternate format, please email us at [accessibility@hebmanitoba.ca](mailto:accessibility@hebmanitoba.ca).

### Telephone

Phone: 204-942-6591

Toll-free: 1-888-842-4233

### Privacy

Direct privacy-related questions, comments, or requests to:

HEB Manitoba Privacy & Policy Office

Phone: 204-975-3197

Toll-free: 1-855-975-3197

Email: [privacy@hebmanitoba.ca](mailto:privacy@hebmanitoba.ca)

You can read our Privacy Notice on our website at [hebmanitoba.ca](http://hebmanitoba.ca).