

## RECORD OF DECISION (NAC)

Record No.: 001

Date: September 28, 2007

### ISSUE

Addition to paragraph 2 of the CEP Appeal Protocol as follows:

“or in the case of a Cloud Class Member, the person for whom the claim is made died prior to October 5, 1996.”

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE                         |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| INUIT<br>(Gilles Gagne)                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

Please note that each member has five (5) days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(E.F.A. Merchant)

☐☐☐☒

NATIONAL CONSORTIUM  
(Alan Farrer)

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**DETERMINATION**

Motion carried with a five (5) member vote.

## RECORD OF DECISION (NAC)

Record No.: 002

Date: October 12, 2007

### ISSUE

Service Canada Identity Validation (Guarantor's Declaration) - issue with respect to the identity documents used to prove identity: SC proposes to resolve this issue by accepting a Guarantor's Declaration where the applicant has two of the requisite identity documents, neither of which has a photograph. The guarantor's declaration would be used to establish identity. The guarantor declaration is similar to the one being used for a change of name and the guarantor would have to attest to knowing the claimant for at least two years by the names used on the application and appearing on the identity documents.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE                         |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| INUIT<br>(Gilles Gagne/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

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**DETERMINATION**

Motion carried with a five (5) member vote.

## RECORD OF DECISION (NAC)

Record No.: 003

Date: October 18, 2007

### ISSUE

IAP Neutral Chair: Unanimous consent of the NAC is required to support Justice Iacobucci's nomination Ms. Mayo Moran as the IAP Neutral Chair.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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**DETERMINATION**

Motion Carried with six (6) member votes.

## RECORD OF DECISION (NAC) - CLARIFIED

Record No.: 004

Date: October 29, 2007

### ISSUE

Proposed Amendment to CEP Appeal Protocol: The proposal calls for the deletion of the words "after stage three reconsideration" contained at paragraph 1 of the CEP Appeal Protocol.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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**DETERMINATION**

Motion carried with a unanimous member vote.



## **CEP APPEAL PROTOCOL**

### **Entitlement to Appeal**

1. Subject to paragraph 2, an applicant who has been denied his or her claim, in whole or in part, may appeal to the NAC for a determination as set out in the CEP Process and Assessment Protocol.
2. There shall be no right of appeal for applicants who have had a CEP Application denied because (a) the school for which they have applied is not an Indian Residential School as defined in the Settlement Agreement, or (b) the person for whom the claim is made died prior to May 30, 2005, or for the Cloud Class Members who died prior to October 5, 1996.

### **Initiation of Appeal**

3. An applicant may initiate an appeal to the NAC by filing an Appeal Form with the Trustee<sup>1</sup>. The form shall:
  - (a) ask the applicant to explain why he or she disagrees with the decision of the Trustee,
  - (b) invite the applicant to provide any information he or she may have to support the claim; and
  - (c) provide any further information that may be relevant to the consideration of the appeal (ie. if information is not available, why it is not available).
4. Upon receipt of an Appeal Form, the Trustee shall:
  - (a) Record the fact of the receipt of the Appeal Form, the date of receipt, and acknowledge receipt to the applicant by way of standard form letter;
  - (b) compile a record for the NAC consisting of the correspondence exchanged with the applicant, notes of any discussion with the applicant during the reconsideration process, copies of any student records that referred to the applicant, and documents submitted by the applicant, if any; and
  - (c) complete a form to accompany the file which indicates:
    - (i) the reason the claim or part thereof was denied;
    - (ii) whether there is a gap in Primary Documents during the period of the application and the extent of that gap;
    - (iii) what type of records exist in respect of the school for the period in which the claim has been made, and what if

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<sup>1</sup> Form to be drafted

- anything, they disclosed relevant to the information provided by the applicant or the application;
- (iv) what additional records were available, whether they were reviewed and what information the additional records disclosed; and
  - (v) whether a telephone discussion was held with the applicant, and if not, why not.
- (d) The NAC may, on a majority vote, request any additional documents from the Trustee, which request the government may deny. If the government denies the request, the NAC may apply to the Court.

#### **NAC Hearing Schedule**

- 5. NAC hearings may be conducted by telephone.
- 6. During the first year, the NAC hearings shall occur on the third Thursday of every month, with the first hearing to be held on the first such day following the Implementation Date.
- 7. If a member of the NAC is unable to attend, he or she shall designate a proxy to exercise his or her vote. Such proxy may be legal counsel who does not ordinarily participate in the NAC, or another member of the NAC, but such member must be familiar with the appeals process and have reviewed the appeal materials. Individuals designated must be from a disclosed pool of acceptable individuals. If a qualified person is not available, a proxy for the NAC member must be provided to another member of the NAC.
- 8. A member who is unable to attend shall inform the other members of the NAC as soon as possible, and indicate the name of the person who has been designated on their behalf, or the member of the NAC who has been provided with the missing NAC member's proxy.

#### **Coordination of Appeals**

- 9. The Trustee shall submit a list of appeals to the members of the NAC as well as the appeal files, on or about the first of each month, to be heard at the next scheduled hearing date.
- 10. Appeal lists and files shall be disseminated to the NAC members in electronic format.
- 11. Appeals will normally be heard in the order in which they are filed.
- 12. The scheduling and coordination of the hearing of appeals, as set out herein, shall be revisited if circumstances warrant.

#### **Hearing of Appeals by the NAC**

- 13. The appeal procedure shall be in writing. The NAC will not hold oral appeals.
- 14. An applicant shall not be entitled to more than one appeal in respect of a claim.

15. An appeal to the NAC of a decision by the Trustee may be brought as of right within the time periods set out in the CEP Process and Assessment Protocol. Appeals to the NAC may be brought after that period only upon the favourable vote of at least five members of the NAC, one of which is the representative for Canada or for the Churches, or with leave of the court.

#### **Grounds for an Appeal – the NAC Jurisdiction**

16. The NAC shall review the decision of the Trustee to ascertain whether a material error has been made with respect to:
  - (a) The interpretation of the Settlement Agreement;
  - (b) The interpretation or application of the CEP Verification principles;
  - (c) The evaluation of the evidence or information presented; or
  - (d) Any other material grounds raised by the applicant.

#### **Remedies available from the NAC**

17. The NAC may:
  - (a) Substitute its own decision, allowing the appeal and approving some or all of the applicant's claim if there is a material error;
  - (b) Send the application back to the Trustee for reconsideration, with directions, which may include specific questions to be asked of the applicant, or a request to the court, through court counsel, to direct the monitor to review the application or documents; or
  - (c) Dismiss the appeal.
18. The NAC may recommend to Canada that the costs of the appeal be borne by Canada. In exceptional circumstances, the NAC may apply to the court for an order that the costs of an appeal be borne by Canada.

#### **Decision of the NAC**

19. If the legal firm of a member of the NAC is also counsel for an applicant whose appeal is being heard by the NAC, that NAC member shall recuse himself or herself from hearing that appeal and designate another member of the NAC to exercise his or her vote on the appeal.
20. The NAC shall designate a member of the NAC to act as responsible for stating and recording the Reasons for Decision. That person shall state the Reasons for Decision at the conclusion of the appeal, and be responsible for transcribing and circulating those Reasons for Decision.
21. The Reasons for Decision shall be circulated by the responsible member to the other members of the NAC following each hearing, for review and correction. The members of the NAC shall provide any corrections within 10 days of receipt of the Reasons for Decision, failing which the Reasons for Decision shall be deemed final. The approved or corrected Reasons for Decision shall then be provided to the Trustee, which shall be responsible for communicating the Reasons for Decision to the applicant,

- and where necessary, acting on the Reasons for Decision by carrying out reconsideration steps or making a CEP payment.
22. The Trustee shall maintain records of all NAC appeal decisions which shall be accessible to the NAC members. The Trustee shall also maintain a copy of the record provided to the NAC.
  23. Members of the NAC shall delete or destroy all appeal records within 30 days of providing a final decision on the appeal.

#### **Processing Timeframes**

24. The following time periods are set as targets for the processing of appeals:
  - (a) Receipt by Trustee of an Appeal Form to delivery to NAC of appeal file: not more than 30 days;
  - (b) From receipt of appeal file by NAC to hearing: not more than 60 days;
  - (c) From Hearing of appeal to delivery by NAC of Reasons for Decision to the Trustee: not more than 30 days;
  - (d) From receipt by Trustee of Reasons for Decision to delivery of Reasons for Decision to applicant: not more than 15 days; and
  - (e) Total number of days elapsed from receipt of the Appeal Form to delivery of Reasons for Decision: 135 days.

#### **Appeals from the NAC**

25. Applicants who are unsuccessful (either in whole or in part) on appeal to the NAC shall be informed of their right to appeal to the court at the same time that they are made aware of the Reasons for Decision, all by way of standard form letter. The standard form letter shall further inform applicants that, should they chose to initiate an appeal to the court, they should request an information package from the Trustee.
26. The Information Package for applicants seeking to appeal to the court shall include basic instructions for initiating an appeal and a Court CEP Appeal Form to be used in connection with the appeal.
27. The basic instructions relating to the appeal shall include:
  - (a) The appeal shall be directed to the two supervising judges under the Court Administration Protocol;
  - (b) The need to make the application by way of notice of motion to the court under the class proceeding court file number;
  - (c) The requirement to complete the Court CEP Appeal Form initiating the appeal in addition to the notice of motion;
  - (d) The requirement to file court fees, where applicable; and
  - (e) The requirement to serve the notice of motion, together with the Court CEP Appeal Form, on the Trustee.
28. The Trustee shall provide copies of the appeal documentation to counsel for the courts, and shall coordinate with counsel in arranging for hearings of the appeals where oral hearings have been requested.

**Fees to NAC Members**

29. With respect to the NAC funding as provided in the Settlement Agreement, no plaintiff member representative shall be entitled to more than 1/5 of the amount available for legal fees and disbursements for services performed in that month.

## RECORD OF DECISION (NAC) - CLARIFIED

Record No.: 005

Date: October 30, 2007

### ISSUE

Prioritization of Elder CEP applications: With respect to the proposition that CEP applications should be processed based on the age of the applicant (65 years or older) rather than in the order in which applications were received, IRSRC will prioritize applications on this basis. The CARS programme has the capacity flag all applications where the applicant is aged 65 years and older.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE                         |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

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**DETERMINATION**

Motion carried with a six (6) member vote.

## RECORD OF DECISION (NAC) - CLARIFIED

Record No.: 006/C

Date: November 29, 2007

### ISSUE

The claims of those individual who received the Advance Payment would be processed without further validation. This issue is proposed on two grounds: first, that group of claimants have already been verified as to residence and second, given that they are the older population of claimants, it much more likely that the records relating to the duration of their attendance will be missing. Hence, the inference and interpolation policies will likely see most of their claims paid in full.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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**DETERMINATION**

Motion carried with a unanimous member vote.

## RECORD OF DECISION (NAC) - CLARIFIED

Record No.: 007/C

Date: November 30, 2007

### ISSUE

The "Proposal For Resolution of Exceptional Cases" and new "Guarantor Declaration" form from Service Canada were circulated to the NAC Members for review. Please vote as to whether you favour the proposal as made.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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**DETERMINATION**

Motion carried with a six (6) member vote.

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# **Common Experience Payment PROPOSAL FOR RESOLUTION OF EXCEPTIONAL CASES FOR APPLICANTS WITHOUT REQUIRED IDENTITY DOCUMENTS**

## **Issue**

Service Canada is encountering exceptional cases where:

- a) The applicant has insufficient identity documents (e.g. does not have a birth certificate and has only one of the four other required identity documents) and/or;
- b) The applicant does not have any of the required identity documents (e.g. homeless/transient/incarcerated).

## **Proposed Resolution:**

When encountering such situations, Service Canada's first step is to recommend that the clients attempt to obtain the required identity documents. This however is not always possible.

Service Canada is proposing to validate the identity of applicants without the required documents initially using Service Canada databases and, if these do not return any information regarding the applicant, then we are proposing that other federal departments/agencies be asked to assist in validating the applicant's identity.

A. Service Canada will obtain the applicant's written consent to verify the applicant's personal information by accessing the following Service Canada databases:

- Old Age Security (OAS) database– covers population 65 years and older;
- Canada Pension Plan (CPP) database– covers population who have contributed or are contributing to the CPP, recipients of disability benefits, and/or survivors benefits and those over 60 years of age;
- Employment Insurance (EI) database (OLIS –Online Insurance System) – covers population currently unemployed and collecting benefits.

The following personal information will be validated:

- First Name (and initial if available)
- Last Name

- Date of Birth
- Mother's last Name at birth
- Father's first name
- Gender
- Address

Once the applicant's identity has been validated the applicant would be required to submit a Guarantor Declaration, demonstrating that the applicant is known by the name being used on the application.

B. If the Service Canada databases do not return any information regarding the applicant, then we are proposing that the following federal departments/agencies be asked to assist in validating the applicant's identity:

- Indian and Northern Affairs Canada (INAC) using the Indian Register database – covers First Nations
- Health Canada (HC) using the Status Verification System database – covers Inuit population receiving health care benefits
- Canada Revenue Agency (CRA) using the IDENT database – covers all Aboriginal tax payers and those in receipt of Child Tax Benefits
- Correctional Service Canada (CSC) using the Offender Management System – covers incarcerated, recently paroled

Written consent of the applicant would be obtained. The database to be used in the identity validation will be dependent upon the outcome of the discussion with the applicant.

Similar data elements as outlined for Service Canada would be validated. The specific elements to be validated would depend on their presence in the database(s) of the respective department.

Letters of Understanding would be entered into between Service Canada and each relevant federal department / agency to describe the process and agree to provisions surrounding the protection of personal information.

Given the increasing number of Guarantor Declarations used in the CEP application process, Service Canada is proposing to amalgamate all Guarantor Declaration forms into one Guarantor Declaration that could be used in any scenario which requires a guarantor declaration (refer to Annex A for the proposed new draft Guarantor Declaration).



**COMMON EXPERIENCE PAYMENT FOR FORMER STUDENTS  
WHO RESIDED AT INDIAN RESIDENTIAL SCHOOL(S)**

PLEASE PRINT

**GUARANTOR DECLARATION**

**Used to support Identity validation of Applicant (Former Student or Personal Representative)  
Must be accompanied by CEP application**

**This Guarantor Declaration will be accepted to establish that the current name used by the applicant in the CEP application is the same name by which the applicant is known to the guarantor. Service Canada may contact the guarantor to verify their declaration.**

Please place a check mark against the statement below that applies to your situation.

This Guarantor Declaration is submitted when the Common Experience Payment (CEP) applicant **cannot**:

- ☐ Submit an identity document with a photograph as required in support of the CEP application.
- ☐ Obtain the identity document(s) required in support of the CEP application.
- ☐ Obtain the identity documents outlined in the CEP application that support a change of name.

Please ensure that a completed and signed application for the Common Experience Payment along with the supporting documentation (e.g. identity documents) where relevant, is also submitted. Service Canada may contact the persons identified in this form to verify their declaration.

**1. APPLICANT'S INFORMATION**

☐ Mr.    ☐ Mrs.    ☐ Miss    ☐ Ms.

\_\_\_\_\_  
First Name(s)                      Middle Name(s) (if applicable)                      Last Name(s)                      Year/Month/Day

**Current Address:**

\_\_\_\_\_  
(P.O. Box, Street No., Street, Apt., R.R.)

\_\_\_\_\_  
City/Town/Community

\_\_\_\_\_  
Province/Territory/State

\_\_\_\_\_  
Postal/Zip Code

\_\_\_\_\_  
Country

\_\_\_\_\_  
Date of Birth (YYYY/MM/DD)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
CEP Application Reference Number  
(if known)

For assistance completing this form, please call Service Canada at 1-866-699-1742 (TTY 1-800-926-9105).



## 2. SIGNATURE

My signature/mark indicates that the information I have provided in this form is true and accurate. I acknowledge that knowingly making a false or fraudulent statement could result in criminal prosecution. I understand that every form is subject to verification.

Signature \_\_\_\_\_

Year / Month / Day \_\_\_\_\_

I understand that the information requested in this form is required for the administration of the Common Experience Payment. I understand that personal information is protected under the Privacy Act and the Department of Social Development Act (DSD Act). I have the right to request access to my personal information pursuant to the Privacy Act, and I am aware that the information may be used or disclosed within the conditions set out in the Privacy Act, DSD Act and outlined in the Personal Information Bank (HRSDC PPU 100).

## 3. SIGNATURE WITH A MARK

If signed with a mark (for example symbol/"X"), the mark must be made in the presence of a witness. A witness may be a relative.

The witness must provide the following information:

### WITNESS'S INFORMATION

First Name(s) \_\_\_\_\_

Middle Name(s) (if applicable) \_\_\_\_\_

Last Name(s) \_\_\_\_\_

Relationship to the Applicant: \_\_\_\_\_

Address of Witness:

\_\_\_\_\_  
(P.O. Box, Street No., Street, Apt., R.R.)

\_\_\_\_\_  
City/Town/Community

\_\_\_\_\_  
Province/Territory/State

\_\_\_\_\_  
Postal/Zip Code

\_\_\_\_\_  
Country

( ) -  
\_\_\_\_\_  
Telephone Number

If signed with a mark, the witness must also sign the following declaration:

I have read the content of this form to the applicant who understands and confirms the complete content and who made his or her mark in my presence.

Signature of Witness \_\_\_\_\_

Year / Month / Day \_\_\_\_\_

For assistance completing this form, please call Service Canada at 1-866-699-1742 (TTY 1-800-926-9105).



**GUARANTOR INFORMATION**

**LANGUAGE PREFERENCE**

☐ Mr. ☐ Mrs. ☐ Miss ☐ Ms.

☐ English ☐ french

First Name(s) Middle Name (if applicable) Last Name(s)

**5. MAILING ADDRESS OF GUARANTOR**

Name of organization (if applicable)

(P.O. Box, Street No., Street, Apt., R.R.)

City/Town/Community

Province/Territory/State

Postal/Zip Code

Country

**TELEPHONE NUMBERS OF GUARANTOR**

( ) -  
Home

( ) -  
Business

( ) -  
Cell/Other

**7. OCCUPATION OF GUARANTOR**

Please indicate your occupation:

- ☐ Chief or Councillor of First Nations Band Council
- ☐ Council of the Métis Settlements General Council and Members of the Saskatchewan Provincial Métis Council
- ☐ Members of the Saskatchewan Provincial Métis Council
- ☐ Dentist
- ☐ Executive Officer of Nunavut Tungavik Inc
- ☐ Executive Officer of Inuvialuit Regional Corporation and of the six (6) Inuvialuit Community Corporations (Northwest Territories)
- ☐ Executive Officer of Makivik (Northern Quebec)
- ☐ Judge
- ☐ Lawyer (member of a provincial bar association)
- ☐ Notary in Quebec
- ☐ Magistrate

- ☐ Medical doctor
- ☐ Minister of religion authorized under provincial law to perform marriages
- ☐ Notary public
- ☐ Optometrist
- ☐ Pharmacist
- ☐ Police officer (municipal, provincial or RCMP)
- ☐ Postmaster
- ☐ Principal of a primary or secondary school
- ☐ Professional accountant (APA, CA, CGA, CMA, PS, RPA)
- ☐ Professional engineer (P. Eng., Eng. In Quebec)
- ☐ Senior administrator in a community college (includes CEGEPs)
- ☐ Senior administrator or teacher in a university
- ☐ Social Worker with MSW (Masters in Social Work)

For assistance completing this form, please call Service Canada at 1-866-699-1742 (TTY 1-800-926-9105).





☐ Mayor

☐ Veterinarian

### 8. GUARANTOR DECLARATION

I hereby declare that I have known the applicant as \_\_\_\_\_  
(PLEASE INSERT APPLICANT'S FULL NAME) personally for at least TWO years. My signature indicates that the information I have provided in this form is true and accurate. I acknowledge that knowingly making a false or fraudulent statement could result in criminal prosecution. I understand that every form is subject to verification.

Name (print)

Guarantor's Signature

Year/Month/Day

I understand that the information requested in this form is required for the administration of the Common Experience Payment. I understand that personal information is protected under the Privacy Act and Department of Social Development Act (DSD Act). I have the right to request access to my personal information and am aware that the information may be used or disclosed within the conditions set out in the Privacy Act, DSD Act and outlined in the Personal Information Bank (HRSDC PPU 100).

To be mailed to:

CEP Processing Centre  
706 Yates St.  
P.O. Box 8729 Stn Central  
Victoria, BC V8W 3S3

## RECORD OF DECISION (NAC)

Record No.: 008/C

Date: January 17, 2008

### ISSUE

The Oversight Committee of the Independent Assessment Process is seeking approval of the National Administration Committee for a Practice Direction as outlined in the memorandum from Daniel Ish, Chief Adjudicator, IAP, dated January 16, 2008:

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

☒☐☐☐

**DETERMINATION**

Motion carried with a unanimous member vote.

Memo to: Alan Farrer,  
Chair, National Administration Committee

Catherine Coughlan,  
Secretary, National Administration Committee

From: Daniel Ish,  
Chief Adjudicator, IAP

Date: January 16, 2008

**Re: Practice Direction**

The Oversight Committee of the Independent Assessment Process is seeking approval of the National Administration Committee for a Practice Direction that it approved at a meeting on January 15, 2008. If approved by the NAC, the Practice Direction will be issued by the Chief Adjudicator IAP to all adjudicators. This approval is being sought under para. III, r, of Schedule "D" (the IAP Model), which is found at page 16.

The proposed Practice Direction is intended to govern the application of the preliminary case assessment provisions found at para. III, n, viii of the IAP Model (page 8). The members of the Oversight Committee are unanimous in their approval of this direction. It will have the effect of compressing into one hearing evidence with respect to whether a *prima facie* case exists to justify a complex track hearing and evidence with respect to the substantive issues.

The Practice Direction reads as follows:

In the complex issues track, when a case is ready to proceed to hearing:

- **The IAP Secretariat will arrange the initial hearing for the taking of all of the Claimant's evidence. The Claimant will answer all questions put by the adjudicator. Based on the Claimant's evidence, the adjudicator will make an assessment of credibility and determine whether there is a *prima facie* basis to support a claim within the complex track.**
- **If a *prima facie* basis to support a claim within the complex track is not made out, then the claim will continue (in the same hearing) under the standard track unless the only allegation in the claim is in the Other Wrongful Act category in which case the claim will not proceed.**

- If a *prima facie* basis to support a claim within the complex track is made out, then the adjudicator shall arrange for expert assessments required by the standards set in this IAP. The IAP Secretariat will also make arrangements for hearing the evidence of any witness in relation to the claim or any alleged perpetrator.
- On the receipt of expert and/or medical evidence or at any point if such have been waived, the government and the Claimant may attempt to settle the claim having regard to the available evidence, the preliminary assessment of credibility, and all other evidence.
- If attempts to settle are not made, or if attempts are unsuccessful, then the claim will proceed to conclusion and decision, including recalling the claimant if appropriate circumstances exist.
- It is intended that this direction, or any interpretation of it, should not detract from any procedural or substantive rights of a claimant or other party that are provided in the IAP.

This proposed Practice Direction accomplishes the following:

- Cases will flow smoothly through the entire IAP. Every case ready for hearing, whether in the standard or complex track, will first proceed with the claimant's evidence. If it turns out that a complex issues track claim should have proceeded under the standard track, it can move in that direction immediately after the claimant's evidence without the need to recall the claimant or have another hearing.
- In many cases the parties will only have to get together once, for the claimant's evidence, rather than for a preliminary assessment hearing and a final hearing later. This will avoid unnecessary delays due to scheduling of two hearings instead of one. Benefits of this include less time to the conclusion of a case, lower cost hearings, and less potential to re-victimize the claimant.
- The process avoids the unnecessary delays that might result from new or more detailed disclosures of abuses or harms late in the process at the second hearing.
- The process allows for witness and POI testimony to proceed without having to wait for the second hearing with the claimant, which second hearing occurs later in the process under the current b.viii.
- Adjudicators will have detailed evidence with which to assess the claim and on which to instruct experts. Preparation of directions to experts will take less time and will therefore be less costly. Experts will make their assessments based on detailed evidence. Expert assessments will likely take less time because the expert will already have detailed information from the transcript. Directions to the experts will, therefore, be based on concrete evidence already heard rather than possibilities.

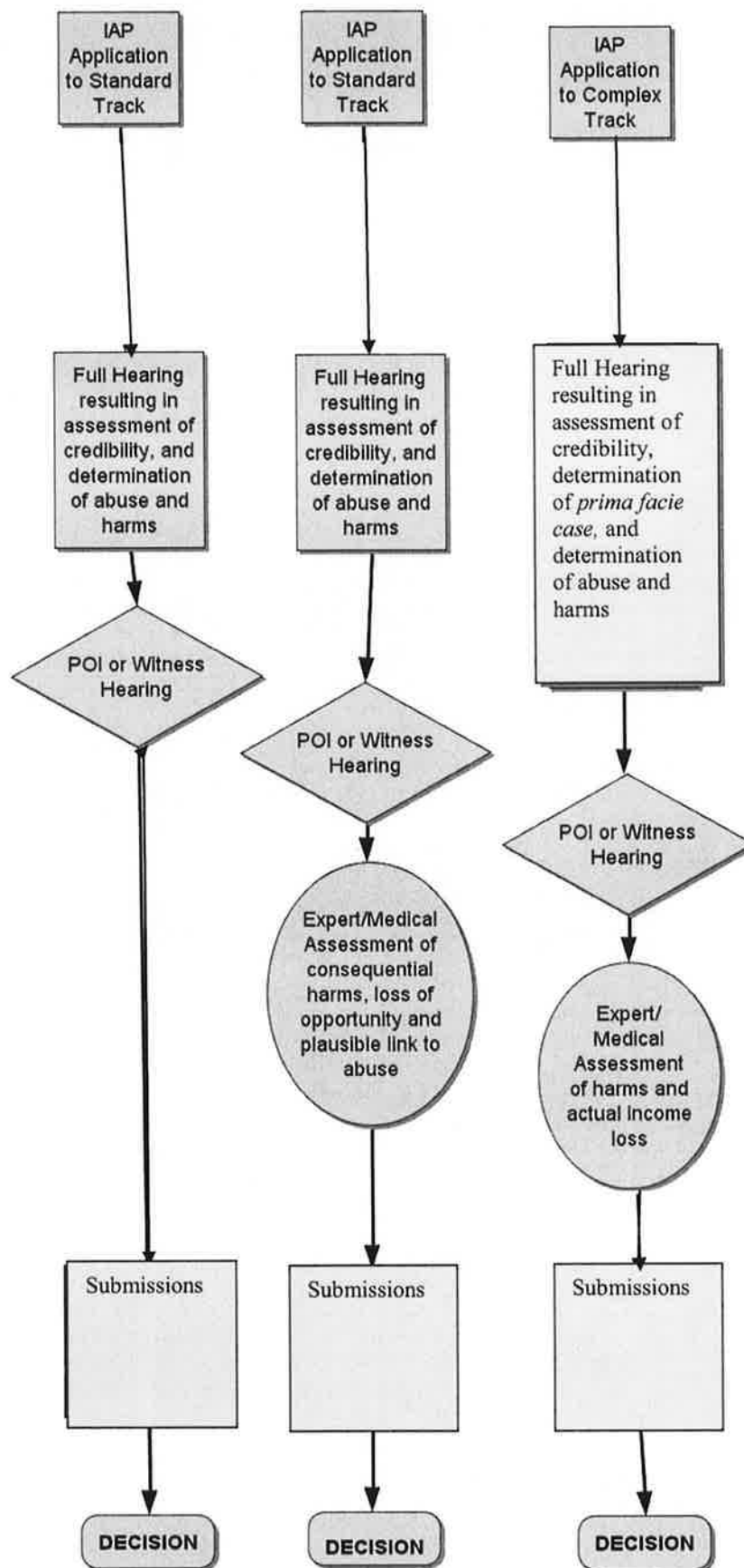
- This process results in a proper record of all proceedings, thereby meeting the procedural fairness requirements in administrative law. The proposed process will result in all claimants' having a right of review under the IAP.
- The hearing process will be completely transparent and the risk of inconsistencies will be greatly reduced.
- In addition, a pre-hearing management conference (normally by conference call) is contemplated to allow the parties and the adjudicator to assess the readiness of the claim to proceed in the complex track.

Overall, this amendment will maintain the spirit and intent of the complex issues track provisions while at the same time creating a more streamlined, more sensitive, timelier, and less costly process.

Attached as Appendix "A" is a graphic illustration of the proposed process.

If further information is required, or a more complete justification is sought, please advise me. We ask that this matter be given a high priority status for the NAC since IAP cases are now being scheduled and heard.

**Schemata  
of Hearing  
Process  
and  
Options  
for IAP**



## RECORD OF DECISION (NAC)

Record No.: 009/C

Date: February 15, 2008

### ISSUE

The National Administration Committee approved the form of the CEP Protocols (as circulated on February 15, 2008) for delivery to the Courts:

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill)                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record



MERCHANT LAW GROUP  
(E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

☒☐☐☐

**DETERMINATION**

Motion carried with a unanimous member vote.

## RECORD OF DECISION (NAC) - CLARIFIED

Record No.: 010/C

Date: March 20, 2008

### ISSUE

Service Canada is proposing certain amendments to the current identity documentation requirements with respect to a Common Experience Payment (CEP) application. The amendments will clarify identity requirements and establish alternative documentation to expedite the processing of CEP applications. The proposal from Service Canada (with minor additions from the NAC) outlining the specifics is attached to this Record of Decision.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(E.F.A. Merchant)

☐☐☐☒

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

☒☐☐☐

**DETERMINATION**

Motion carried with six (6) member vote.

Service Canada is proposing certain amendments to the current identity documentation requirements with respect to a Common Experience Payment (CEP) application. Amendments will clarify identity requirements and establish alternative documentation to expedite the processing of CEP applications. Specifically, Service Canada is seeking the NACs concurrence with the proposals set out below on the following issues:

- 1) Public Guardian and Trustee (PGT)
  - i- Validation of Identity of PGT official/ Employee cards
  - ii- Documentation in support of Mental Incompetence (including medical notes older than two years)
- 2) Certification of Former Residents' Identity Documents - PGT and Indian and Northern Affairs Canada (INAC)
  - i- Guarantor statement
- 3) Proof of Death
  - i- Acceptance of alternate documents

#### **1- Public Guardian and Trustee (PGT)**

##### **Background**

The PGT's across Canada operate under provincial or territorial law to protect the legal rights and financial interests of children, to provide assistance to adults who need support for financial and personal decision making, and to administer the estates of deceased and missing persons where there is no one else able to do so.

When managing the financial affairs of an individual, estate or trust, the PGT observes prudent business practices and is bound by both common law and statutory fiduciary principles associated with a Trustee or Agent.

##### **Issues**

With respect to CEP applications made by a provincial or territorial PGT on behalf on their clients, Service Canada has encountered issues with respect to:

- The types of identity documents that must be submitted by provincial or territorial PGTs acting as the Personal Representative for former IRS resident; and
- The types of documentation that may be accepted as proof of mental incompetence.

##### **i- Validation of Identity of PGT official**

The CEP Application for Personal Representatives and Estates states in Section B, # 4, that the Personal Representative applying on behalf of a minor, mentally incompetent or estate must submit certain identity documents supporting their own identity, in addition to submitting the required identity documents in support of the former student's identity. In particular, the application requires Personal Representatives to submit an original birth certificate or a copy of Government ID or a certified true copy of two (2) of the four (4) identity documents stipulated on the application (one must have a photograph).

## **Proposed Solution for PGT Identification**

As it is not clearly specified in the CEP application, Service Canada is proposing that PGT employees, when acting as personal representatives of former students, can submit a copy of their Government ID as proof of their identity. In addition, Service Canada will require a letter, on PGT departmental letterhead, from an authorized provincial or territorial government official listing those employees who, in their capacity as caseworkers, may submit CEP applications on behalf of their clients. The letter will include:

- Employee's full name,
- Employee ID number,
- Employee contact telephone number, and
- Signature of the provincial or territorial Public Guardian and Trustee.

In the event the PGT organisation is not able to meet the requirements listed above, the PGT employees applying on behalf of former IRS residents will be required to provide personal identity documents as stipulated with the application form.

Note: the reference to a copy of Government ID listed on the CEP Application Form was intended for officials with the Federal Department of Indian and Northern Affairs only. With respect to government identity documents for the various PGT organisations, the content of the different identity documents varied widely from province or territorial to province or territorial and did not necessarily meet Federal identity standards. Hence, the additional safeguard of the confirmation letter signed by the Provincial Public Guardian and Trustee was added to the validation process.

## **ii- Documentation In support of Mental Incompetence**

The CEP Application for Personal Representatives or Estate states, in Section A, # 5, that "a signed medical statement by the attending physician must be submitted with your application form if you are applying as the legal Personal Representative for the former student who is mentally incompetent." The applicant is required to check a box confirming that they have attached a copy of this signed medical statement. In addition, section C of the application form states the following:

"To apply for the Common Experience Payment on behalf of a former student who is mentally incompetent, an attending physician must attest to the former student's incompetence. A signed medical statement or report must be submitted on the attending physician's letterhead attesting to the former student's incapacity to self-represent due to being mentally incompetent. The signed statement or report must be dated no earlier than two years prior to the submission of the Common Experience Payment application form". (Underlining added).

Service Canada has been advised by provincial PGTs that they may not always be in a position to meet these requirements and have provided samples of the documentation that they are proposing to submit with CEP applications in lieu of the physician's statement that is current to two (2) years.

## **Proposed Solution**

Service Canada is proposing that the PGTs be authorized to submit, depending on the circumstances,

- a court order declaring an individual, by reason of mental infirmity arising from disease, age or otherwise, incapable of managing his/her affairs.
- a physician's statement that is current to five (5) years as opposed to every two (2) years.

- a certificate of incapacity declaring the individual incapable of managing his/her financial and legal affairs because of mental infirmity issued pursuant to provincial or territorial statutes (e.g. Province of B.C. Certificate of Incapacity). The effect of these Certificates is that the provincial or territorial PGT is the declared the legal personal representative of the applicant.

Service Canada is recommending the implementation of this approach.

## **2- Certification of Former Residents' Identity Documents - PGT and Indian and Northern Affairs Canada (INAC) -**

### **i- Guarantor statement**

As stipulated in the application, the applicant applying on behalf of a former student must provide identity documents for the former resident. In cases where the original Birth Certificate is not provided, original or certified copies of two (2) of the four (4) secondary identity documents may be provided. It is anticipated that most PGT applications will be submitted by mail. Hence, it is most likely that secondary identity documents provided will be certified copies as opposed to originals.

In discussion with PGT organisations, it became evident the most likely source for the certification of the former residents' secondary identity documents are lawyers or Commissioners of Oaths working for the PGTs. However, PGT caseworkers, lawyers and Commissioners may not personally know the clients in question or, as is often the case, have not known them for at least two (2) years. We recommend an amendment to the guarantor statement in these cases.

### **Proposed Solution**

The proposed Guarantor statement is:

"I certify this is a true copy of the original and that the image is a true likeness of the applicant. I am a Canadian citizen."

In cases where PGT employees can not get a guarantor to certify documents, they can go in-person to a Service Canada Centre to hand deliver all the CEP applications along with original identity documents to a Service Canada agent. The agent would then process the applications and return the original documents immediately to the case worker. Copies certified by a guarantor would then not be needed.

## **3- Proof of Death**

### **i- Acceptance of alternate documents**

The CEP Application specifies the list of documents that may be submitted with a CEP application as proof of death. Other forms of Proof of Death however have been submitted with CEP Applications and that, while not on the list of acceptable documentation, would provide sufficient proof of death.

### **Proposed Solution**

Service Canada is proposing to accept the following documentation as acceptable proof of death as they clearly demonstrate that a particular individual is deceased:

- Coroner's Certificate,
- Certificate of Cremation, or
- Burial Permit

- Letter from the Director of a funeral home or an administrator of a hospital or clinic

## RECORD OF DECISION (NAC)

Record No.: 011/C

Date: April 17, 2008

### ISSUE

The Oversight Committee is proposing to make the following changes to the text of the original Schedule P release as follows:

- Remove paragraph 13 of the original Schedule P that can pose a problem to claimants who may be eligible for a Common Experience Payment (CEP)
- Correct a terminology error: references to the "Individual Assessment Process" to be changed to "Independent Assessment Process"

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE                         |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

Please note that each member has five (5) business days from the date of receipt to clarify the Record



INDEPENDENT COUNSEL  
(Peter Grant)

☒☐☐☐

MERCHANT LAW GROUP  
(E.F.A. Merchant)

☐☐☐☒

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

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**DETERMINATION**

Motion carried with a five (5) member vote.

## RECORD OF DECISION (NAC)

Record No.: 012/C

Date: September 12, 2008

### ISSUE

All files currently under Reconsideration will be reviewed by INAC Research with a view to reconsidering the additional materials or information provided by applicants and in the cases where names are provided by applicants of individuals who attended or were employed at the Residential School, those names will be researched to determine if they resided or were employed at the school during the years under reconsideration and the results of such research shall be provided to the NAC.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

INDEPENDENT COUNSEL  
(Peter Grant)

☒☐☐☐

MERCHANT LAW GROUP  
(E.F.A. Merchant/Evatt Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

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**DETERMINATION**

Motion carried with a unanimous member vote.

Please note that each member has five (5) business days from the date of receipt to clarify the Record

## RECORD OF DECISION (NAC)

Record No.: 013/C

Date: September 12, 2008

### ISSUE

All files currently under Appeal will be reviewed by INAC Research with a view to reconsidering the additional materials or information provided by applicants either at Reconsideration or on the Appeal Applications and in the cases where names are provided by applicants of individuals who attended or were employed at the Residential School, those names will be researched to determine if they resided or were employed at the school during the years under appeal and the results of such research shall be provided to the NAC.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

INDEPENDENT COUNSEL  
(Peter Grant)

☒☐☐☐

MERCHANT LAW GROUP  
(E.F.A. Merchant/Evatt Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

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**DETERMINATION**

Motion carried with a unanimous member vote.

Please note that each member has five (5) business days from the date of receipt to clarify the Record

## RECORD OF DECISION (NAC)

Record No.: 014/C

Date: September 12, 2008

### ISSUE

In all cases either under Reconsideration or under Appeal, where applicants have provided names of supporting individuals, the Trustee will advise the applicants that the supporting individuals must provide INAC Research or the Trustee with the supporting information in writing.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

INDEPENDENT COUNSEL  
(Peter Grant)

☒☐☐☐

MERCHANT LAW GROUP  
(E.F.A. Merchant/Evatt Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

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**DETERMINATION**

Motion carried with a unanimous member vote.

Please note that each member has five (5) business days from the date of receipt to clarify the Record

## RECORD OF DECISION (NAC) – AMENDED - CLARIFIED

Record No.: 015/C

Date: January 16, 2009

Date (Amendment No. 1): February 22, 2010

### ISSUE

Where INAC recommends that an appeal be allowed in full, INAC will send a letter to the applicant advising that his claim is allowed in full and his appeal is deemed withdrawn. INAC will provide the NAC, through its Secretary, with a list of all appeals so disposed of on a monthly basis.

### AMENDMENT NO.1

Where an appeal comprises only years already paid and years which INAC research recommends be paid in full, INAC will send a letter to the applicant advising that his/her claim for additional years, other than those already paid, is allowed in full and his/her appeal is deemed withdrawn.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record



INDEPENDENT COUNSEL  
(Peter Grant/ Brian O'Reilly)

☒☐☐☐

MERCHANT LAW GROUP  
(E.F.A. Merchant/Jane Ann Summers/  
Owen Falquero)

☒☐☐☐

NATIONAL CONSORTIUM  
(Jon Faulds/Dan Carroll)

☒☐☐☐

**DETERMINATION**

Motion carried with a unanimous member vote.

## RECORD OF DECISION (NAC)

Record No.: 016/C  
Date: August 27, 2010

### ISSUE

Pursuant to section 4.13 of the IRSSA, the members of the NAC unanimously agree that by reason of the failure of the three RACs referred to in section 4.12 of the IRSSA to commence or continue in operation following the Implementation Date, there is no necessity for any of the RACs, to commence or continue in operation after the date of this ROD.

### VOTES

|                                                           | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy/Michel Thibault) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

INDEPENDENT COUNSEL  
(Peter Grant/Brian O'Reilly)

☒☐☐☐

MERCHANT LAW GROUP  
(Jane Ann Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Dan Carroll/Jon Faulds)

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**DETERMINATION**

Motion carried with a unanimous member vote.

Please note that each member has five (5) business days from the date of receipt to clarify the Record

## RECORD OF DECISION (NAC)

Record No.: 017/C

Date: January 28, 2011

### ISSUE

On January 28, 2011 the National Administration Committee consented to the request of [REDACTED] of [REDACTED], [REDACTED] to withdraw his opt out so that he may apply for the Common Experience Payment and the Independent Assessment Process under the Indian Residential School Settlement Agreement ("Settlement Agreement") and be entitled to any other benefits of a class member under the Settlement Agreement.

### VOTES

|                                                     | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(Jane Ann Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Jon Faulds/Dan Carroll)

☒☐☐☐

**DETERMINATION**

Motion carried with a unanimous member vote.

## RECORD OF DECISION (NAC)

Record No.: 018/C

Date: April 15, 2011

### ISSUE

All CEP appeals brought beyond the prescribed 12 month period from reconsideration may be brought to the NAC without recourse to the procedure set out in the attached Record of Decision, dated September 2, 2010, as long as they are received on or before September 19, 2012. After September 19, 2012, late appeals will only be considered by the NAC upon leave being granted by the Administrative judges.

### VOTES

|                                                      | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/ Brian O'Reilly) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(E.F.A. Merchant/Evatt Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Dan Carroll/Jon Faulds)

☒☐☐☐

**DETERMINATION**

Motion carried with a unanimous member vote.

## RECORD OF DECISION (NAC)

Record No.: 019/C

Date: September 15, 2011

## ISSUE

On September 15, 2011 the National Administration Committee consent that [REDACTED] of [REDACTED], [REDACTED] of [REDACTED], [REDACTED] of [REDACTED], [REDACTED] of [REDACTED], [REDACTED] of [REDACTED], [REDACTED] of [REDACTED], [REDACTED] of [REDACTED], may withdraw their opt outs so that they may apply for the Common Experience Payment and the Independent Assessment Process under the Indian Residential School Settlement Agreement ("Settlement Agreement").

**VOTES**

|                                                     | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Hugo Prud'homme)                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record



MERCHANT LAW GROUP  
(Jane Ann Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Jon Faulds/Dan Carroll)

☒☐☐☐

**DETERMINATION**

Motion carried with a unanimous member vote.

## RECORD OF DECISION (NAC)

Record No.: 020/C

Date: January 12, 2012

### ISSUE

On January 12, 2012 the National Administration Committee consent that [REDACTED] of [REDACTED], [REDACTED], may withdraw her opt out so that she may apply for the Common Experience Payment and the Independent Assessment Process under the Indian Residential School Settlement Agreement ("Settlement Agreement").

### VOTES

|                                                     | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Hugo Prud'homme)                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(Jane Ann Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Jon Faulds/Dan Carroll)

☒☐☐☐

**DETERMINATION**

Motion carried with a unanimous member vote.

## RECORD OF DECISION (NAC)

Record No.: 021/C

Date: September 11, 2012

### ISSUE

On September 11, 2012 the National Administration Committee consent that [REDACTED] of [REDACTED], [REDACTED], may withdraw her opt out so that she may apply for the Common Experience Payment and the Independent Assessment Process under the Indian Residential School Settlement Agreement ("Settlement Agreement").

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Hugo Prud'homme)                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(Jane Ann Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Jon Faulds/Dan Carroll)

☒☐☐☐

**DETERMINATION**

Motion carried with a unanimous member vote.

## RECORD OF DECISION (NAC) - CLARIFIED

Record No.: 001/IC

Date: January 17, 2008

### ISSUE

Motion proposed by Peter Grant: For the NAC to bring a Request for Direction to the Courts for interpretation of the Settlement Agreement in relation to residential school students placed into billeted/boarded homes as defined in a question that Alex Pettingill delivered to all members during the NAC meeting.

### VOTES

|                                                 | FOR                                 | AGAINST                             | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill)                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(E.F.A. Merchant)

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NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

☒

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**DETERMINATION**

Motion carried with a six (6) member vote.

Please note that each member has five (5) business days from the date of receipt to clarify the Record

## RECORD OF DECISION (NAC)

Record No.: 002/IC  
Date: October 23, 2009

### ISSUE

On October 23, 2009 the National Administration Committee consent that [REDACTED] of [REDACTED], [REDACTED] may withdraw his opt out so that he may apply for the Common Experience Payment and the Independent Assessment Process under the Indian Residential School Settlement Agreement ("Settlement Agreement") and be entitled to any other benefits of a class member under the Settlement Agreement.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill)                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record



MERCHANT LAW GROUP  
(E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Jon Faulds/Dan Carroll)

☒☐☐☐

**DETERMINATION**

Motion carried with a seven (7) member vote.

## RECORD OF DECISION (NAC)

Record No.: 003/IC

Date: August 27, 2010

### ISSUE

On August 27<sup>th</sup>, 2010, the National Administration Committee consented to [REDACTED] application to rescind his opt out, filed May 8, 2007, so that he may apply for the Common Experience Payment and the Independent Assessment Process under the Indian Residential School Settlement Agreement ("Settlement Agreement") and be entitled to any other benefits as a class member under the Settlement Agreement.

### VOTES

|                                                           | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy/Michel Thibault) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(Jane Ann Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Jon Faulds/Dan Carroll)

☒☐☐☐

**DETERMINATION**

Motion carried with a seven (7) member vote.

## RECORD OF DECISION (NAC)

Record No.: 004/IC

Date: September 10, 2010

### ISSUE

On September 10<sup>th</sup>, 2010, the National Administration Committee unanimously consented to [REDACTED] application to rescind his opt out, filed May 28<sup>th</sup>, 2007, so that he may apply for the Common Experience Payment and the Independent Assessment Process under the Indian Residential School Settlement Agreement (“Settlement Agreement”) and be entitled to any other benefits as a class member under the Settlement Agreement.

### VOTES

|                                                           | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy/Michel Thibault) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(Jane Ann Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Jon Faulds/Dan Carroll)

☒☐☐☐

**DETERMINATION**

Motion carried with a seven (7) member vote.

## RECORD OF DECISION (NAC)

Record No.: 005/IC

Date: January 4, 2011

### ISSUE

On January 4, 2011, the National Administration Committee unanimously consented to [REDACTED] application to rescind her opt out, filed July 16, 2007 and October 8, 2007, so that she may apply for the Common Experience Payment and the Independent Assessment Process under the Indian Residential School Settlement Agreement ("Settlement Agreement") and be entitled to any other benefits as a class member under the Settlement Agreement.

### VOTES

|                                                           | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy/Michel Thibault) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(Jane Ann Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Jon Faulds/Dan Carroll)

☒☐☐☐

**DETERMINATION**

Motion carried with a seven (7) member vote.

## RECORD OF DECISION (NAC)

Record No.: 006/IC

Date: December 15, 2010

### ISSUE

On December 15, 2010, the National Administration Committee unanimously consented to [REDACTED] application to rescind his opt out so that he may apply for the Common Experience Payment and the Independent Assessment Process under the Indian Residential School Settlement Agreement ("Settlement Agreement") and be entitled to any other benefits as a class member under the Settlement Agreement.

### VOTES

|                                                           | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy/Michel Thibault) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record



MERCHANT LAW GROUP  
(Jane Ann Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Jon Faulds/Dan Carroll)

☒☐☐☐

**DETERMINATION**

Motion carried with a seven (7) member vote.

Please note that each member has five (5) business days from the date of receipt to clarify the Record

## RECORD OF DECISION (NAC)

Record No.: 007/IC

Date: October 29, 2010

### ISSUE

On October 29<sup>th</sup>, 2010, the National Administration Committee unanimously consented to [REDACTED] application to rescind his opt out so that he may apply for the Common Experience Payment and the Independent Assessment Process under the Indian Residential School Settlement Agreement ("Settlement Agreement") and be entitled to any other benefits as a class member under the Settlement Agreement.

### VOTES

|                                                           | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy/Michel Thibault) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(Jane Ann Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Jon Faulds/Dan Carroll)

☒☐☐☐

**DETERMINATION**

Motion carried with a seven (7) member vote.

## RECORD OF DECISION (NAC)

Record No.: 008/IC

Date: December 6, 2013

### ISSUE

Pursuant to Section 4.11(12)(n), the National Administration Committee unanimously consented to Candace Parker, Barrister and Solicitor, of 1484 Draycott Rd., North Vancouver, B.C. V7J 3N8. ph: (604) 998-0203, fax: (604) 998-0204, email: [cpparker@shaw.ca](mailto:cpparker@shaw.ca) and David Schulze of Dionne Schulze at 507 Place d'Armes, #1100, Montréal, Québec H2Y 2W8, Téléphone: (514) 842-0748 / 228, Fax : (514) 842-9983, email: [dschulze@dionneschulze.ca](mailto:dschulze@dionneschulze.ca) to be added to the list of counsel who are on the Approved List of Counsel regarding the Independent Assessment Process. Both Candace Parker and David Schulze agree to be bound by the Law Society of Upper Canada Guidelines as directed by Madam Justice Brown in the Blott proceedings, as they both applied to be Independent Counsel prior to that decision they have both complied with those guidelines.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Hugo Prud'homme)                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(Jane Ann Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Dan Carroll/Jon Faulds)

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**DETERMINATION**

Motion carried with a unanimous member vote.

Please note that each member has five (5) business days from the date of receipt to clarify the Record

## RECORD OF DECISION (NAC)

Record No.: 009/IC

Date: January 31, 2014

### ISSUE

The National Administration Committee (NAC) is empowered under Section 4.11(12)(n) of the Settlement Agreement to develop a list of legal counsel who agree to be bound by the terms of the Settlement Agreement. The NAC has been requested by the Chief Adjudicator to advise regarding steps to update this list. The NAC unanimously decided as follows:

1. The name of any legal counsel currently on the list of approved counsel shall be removed upon advice from the Chief Adjudicator's office or a member of the NAC directed to Canada's representative with the NAC and Crawford Class Action Services that such counsel is no longer engaged in representing clients in the Independent Assessment Process (IAP), or upon their being the subject of a subsisting order of a court that they may no longer represent clients in the IAP;
2. The name of any legal counsel may be added to the list upon their providing an undertaking directed to the NAC that they shall be bound by the terms of the Settlement Agreement, Implementation Orders and shall not charge any client a fee in connection with services relating to the Common Experience Payment (CEP);
3. Any legal counsel providing such undertaking shall be provided by the Chief Adjudicator's office with copies of the Chief Adjudicators Expectations of Legal Practise in the IAP; the Canadian Bar Association Guidelines for Lawyers Acting for Survivors of Aboriginal Residential Schools, August, 2000, and the Reasons for Judgement of Madame Justice Brown of the B.C. Supreme Court respecting practise in the IAP and the voluntary guidelines established by the Law Society of Upper Canada, as set out in her decision of November 9, 2012 in *Fontaine et al v Attorney General of Canada et al* 2012 BCSC 1671 (CanLII).

### VOTES

|                                   | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

ASSEMBLY OF FIRST NATIONS  
(Kathleen Mahoney)

☒☐☐☐

INUIT  
(Hugo Prud'homme)

☒☐☐☐

CHURCHES  
(Alex Pettingill/Rod Donlevy)

☒☐☐☐

INDEPENDENT COUNSEL  
(Peter Grant)

☒☐☐☐

MERCHANT LAW GROUP  
(Jane Ann Summers/E.F.A. Merchant)

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NATIONAL CONSORTIUM  
(Dan Carroll/Jon Faulds)

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**DETERMINATION**

Motion carried with a unanimous member vote.

Please note that each member has five (5) business days from the date of receipt to clarify the Record

## RECORD OF DECISION (NAC)

Record No.: 010/IC

Date: April 16, 2014

### ISSUE

The NAC has voted to remove the Legal Counsel List from the Indian Residential Schools Settlement-Official Court Website and substitute the coordinates for each provincial or territorial Lawyer Referral Service or its equivalent as provided or endorsed by the Law Societies of each Province or Territory.

### VOTES

|                                                           | FOR                                 | AGAINST                  | ABSTAIN                             | NO RESPONSE              |
|-----------------------------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| INUIT<br>(Hugo Prud'homme)                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy/Michel Thibault) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)                      | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record



MERCHANT LAW GROUP  
(Jane Anne Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Dan Carroll/Jon Faulds)

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**DETERMINATION**

Motion carried with a Six (6) member vote.

## RECORD OF DECISION (NAC)

Record No.: 011/IC

Date: April 16, 2014

### ISSUE

On April 16, 2014, the National Administration Committee voted, as recorded below, to endorse the Integrity Framework Protocol of March 26, 2014.

### VOTES

|                                                           | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Hugo Prud'homme)                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy/Michel Thibault) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(Jane Anne Summers/E.F.A. Merchant)

☐☐☒☐

NATIONAL CONSORTIUM  
(Dan Carroll/Jon Faulds)

☒☐☐☐

**DETERMINATION**

Motion carried with a Six (6) member vote.

## RECORD OF DECISION (NAC)

Record No.: 012/IC

Date: December 17, 2015

### ISSUE

On December 17, 2015, the National Administration Committee ("NAC") moved that the NAC bring forward an application to the court to clarify that the NCTR and the documents held by it are bound by the confidentiality terms of the IRSSA, including Schedule N.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                             | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)               | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| INUIT<br>(Hugo Prud'homme)                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Michel Thibault)   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant)            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(Jane Anne Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Dan Carroll/Jon Faulds)

☒☐☐☐

**DETERMINATION**

Motion carried with a Six (6) member vote.

## RECORD OF DECISION (NAC)

Record No.: 013/IC

Date: March 27, 2018

### ISSUE

The NAC advanced a RFD to the Courts for (1) an interpretation of the Settlement Agreement and Approval Orders as to whether SOS claims are entitled to be determined based on the complete record of admissions by Canada and, if so, (2) how claims dismissed upon the basis of an incomplete record that would have succeeded on the basis the complete record should be addressed. Preliminary issues, namely whether the NAC had standing to bring an RFD, were argued before Justice Brown on February 15, 2018. *Fontaine v. Canada (Attorney General)*, 2018 BCSC 376 (the “Decision”), was released on March 12, 2018.

The majority of the NAC are of the view that the Decision prevents the members of the NAC from fulfilling their mandate as set out in Section 4.11(12)(a)(b) of the Indian Residential Schools Settlement Agreement. Accordingly, the NAC agrees to appeal the Decision with the British Columbia Court of Appeal as soon as possible.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE                         |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| CANADA<br>(Catherine A. Coughlan)               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| INUIT<br>(Hugo Prud'homme)                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| CHURCHES<br>(Alex Pettingill)                   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<sup>1</sup> Please note that each member has five (5) business days from the date of receipt to clarify the Record

INDEPENDENT COUNSEL  
(Peter Grant)

☒☐☐☐

MERCHANT LAW GROUP  
(Jane Anne Summers/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Dan Carroll/Jon Faulds)

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**DETERMINATION**

Motion carried with a five (5) member vote.

## RECORD OF DECISION (NAC) - REVISED

Record No.: 001/NC

Date: April 17, 2008 – Original Record

May 7, 2008 – Revised Date

### ISSUE

The oral information provided by the claimants in the CEP process is to be withheld and redacted from information provided by Canada to the IAP Secretariat and the conversation will not be used by Canada in the IAP process.

### VOTES

|                                                     | FOR                      | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record



MERCHANT LAW GROUP  
(E.F.A. Merchant)

☐☐☐☐

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

☐☐☐☐

**DETERMINATION**

Unanimous consensus on this Decision was reached at the May 7, 2008 meeting in Toronto, Ontario.

## RECORD OF DECISION (NAC)

Record No.: 002/NC

Date: August 21, 2008

### ISSUE

Appeals identified to have an aged or infirm applicant will be given priority in the appeal process.

### VOTES

|                                                     | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

☒☐☐☐

**DETERMINATION**

Motion carried with a unanimous member vote.

Please note that each member has five (5) business days from the date of receipt to clarify the Record

## RECORD OF DECISION (NAC)

Record No.: 003/NC

Date: August 21, 2008

### ISSUE

When a post appeal reconsideration is rejected the NAC will be informed by Crawford Class Actions Services ("Crawford"). Crawford will repost the original record together with the new material for review by the NAC members.

### VOTES

|                                                     | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

☒☐☐☐

**DETERMINATION**

Motion carried with a unanimous member vote.

## RECORD OF DECISION (NAC)

Record No.: 004/NC

Date: August 21, 2008

### ISSUE

The Reconsideration Protocol as discussed and amended on August 21, 2008 is now considered the finalized version (attached is copy of this version). The only change from the July 11, 2008 version is to pages 14 and 15 changing the wording “two pieces” to “a piece”.

### VOTES

|                                                     | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

☒☐☐☐

**DETERMINATION**

Motion carried with a unanimous member vote.

**CEP**  
**RECONSIDERATION PROCESS**

August 21, 2008



## Acronyms

|       |                                                 |
|-------|-------------------------------------------------|
| AP    | Advance Payment                                 |
| CARS  | Computer Assisted Research System               |
| CEP   | Common Experience Payment                       |
| DR    | Daily Register                                  |
| ER    | Enrolment Return                                |
| IRS   | Indian Residential School                       |
| NAC   | National Administration Committee               |
| QR    | Quarterly Return                                |
| RECON | Reconsideration                                 |
| SA    | Indian Residential Schools Settlement Agreement |

## CEP Reconsideration Process

|                                                                                      |    |
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# **1 Executive Summary**

Former Indian Residential School students who have received a Common Experience Payment (CEP) and have been denied in whole or in part, may apply to have the decision reconsidered by Indian Residential Schools Resolution Canada. CEP recipients can initiate a reconsideration of their claim by filling out a reconsideration form and mailing, faxing or e-mailing it to the CEP Response Centre, or by calling the CEP Response Centre directly.

It is important to note that applicants do not need to provide additional information in order to have their file reconsidered. However, we encourage applicants to provide any information they may have that might help researchers to confirm residence and years of residence. There is space on the reconsideration form for additional information, or it can be provided by telephone to the CEP Response Centre.

Following reconsideration, if the applicant still disagrees with the decision that has been made he/she has the right to appeal to the National Administration Committee (NAC). The NAC oversees the administration of the Indian Residential Schools Settlement Agreement (SA). Additional details on this process will be made available following reconsideration.

Applications for schools that are not recognized under the Settlement Agreement will not be reviewed as part of the reconsideration process. Former students who would like to apply to have a school added to the list can do so by submitting a request to the Settlement Agreement web site.

To be eligible for reconsideration, the former student for whom the application is made must have:

- Have applied for CEP
- Have applied for reconsideration within six months from the date of the decision denying their CEP Application in whole or in part
- Resided at a recognized Indian Residential School(s) and was alive on May 30, 2005, OR,
- Resided at the Mohawk Institute Residential Boarding School in Brantford, Ontario between 1922 and 1969, and was alive on October 5, 1996.

## 2 Definition of Terms

|                       |                                                                                                                                                                                                                                                                                   |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ancillary Documents:  | All other Student Records that are not considered Primary Documents are considered Ancillary Documents.                                                                                                                                                                           |
| Applicant             | A former student applying for a CEP, including those represented by a Personal Representative as defined in the SA.                                                                                                                                                               |
| Assessment            | Assessment refers to the determination of an application, whether resulting in approval or denial of the application.                                                                                                                                                             |
| Attendance:           | The Applicant attended the educational program at the school, participated in activities at the IRS (although not a student there), or ate lunch at the IRS. Attendance neither confirms nor negates residency.                                                                   |
| Document Gap:         | A period of one or more Unconfirmed Years for which there are incomplete Primary Documents or for which the Primary Documents do not apply to the Applicant, as in the case of Applicants who were not Status Indians (e.g. non-status Indian, Métis, Inuit, and non-Aboriginal). |
| Eligible Year:        | A School Year, or part thereof for which an Applicant's Residence is confirmed.                                                                                                                                                                                                   |
| Ineligible Year:      | A School Year for which an Applicant's Residence has not been confirmed.                                                                                                                                                                                                          |
| Middle-Year Indicator | Probability distribution model used to infer the likelihood that an Applicant should appear on Primary Documents had they been in Residence at any time.                                                                                                                          |
| Primary Documents:    | A document is considered primary if the document was created for the purposes of being a complete list of all status residential students and subject to audit by the Federal Government. These documents are Quarterly Returns and Enrolment Returns.                            |

Quarterly Returns ("QRs") were intended to be comprehensive lists of all (status) students who Resided at the IRS, and as such, they are the primary documents used for Assessment of Residence. They were filed for calendar quarters ending on March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup> and December 31<sup>st</sup>. They listed the students who were in Residence in order to obtain the per capita grants paid to IRSs. Usually, the students are listed with their registration number, their band and date of birth; often, their date of admission is also noted.

Effective September 1971, Enrolment Returns ("ERs") replaced the QRs; they were issued twice a year, in March and September, but had essentially the same purpose. Primary Documents are considered to be complete if there are full QRs or ERs for all the School Years that the Applicant requests. Primary Documents were used by most IRSs and principally used for former students who were status. Persons who were not Status Indians may not have been reported in the same manner.

Some Quarterly Returns also list day school students (or students who received lunches at the IRS), but they are identified separately from the resident students.

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reasoned Assumption: | <p>Refers to the situation where Assessment of Residence is not possible due to Document Gaps, but through use of contextual information and based on the totality of the information available, conclusions can be drawn.</p> <p><i>e.g., Where Assessment of Residence is not possible due to Document Gaps, but the Applicant was found to have attended the IRS, and it has been confirmed that the specific IRS did not have day school facilities for the specific period, the Trustee will make the Reasoned Assumption that the Applicant was Resident at the IRS while he or she attended.</i></p> |
| Residence:           | The Applicant resided overnight at an IRS for one or more nights in a School Year and may have attended classes at the IRS, a public school or a federal day school.                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| School Year:         | A School Year is defined as September 1 <sup>st</sup> of any given year to August 31 <sup>st</sup> of the following year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Student Records:     | Any records or documents that identify one or more former IRS students by name that may assist with the Assessment of an Applicant's Residency and/or duration at an IRS. These records may include Primary, Ancillary or other types of documents.                                                                                                                                                                                                                                                                                                                                                         |
| Unconfirmed Year     | A School Year for which the Applicant has applied for CEP but for which Residence has not been determined.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

### 3 CEP Process Flow

The CEP is a lump-sum payment that recognizes the experience of residing at an IRS, and its impacts. Upon Assessment, each eligible former student who applies for the CEP will receive \$10,000 for the first School Year or part thereof of Residence plus an additional \$3,000 for each subsequent School Year or part thereof after the first School Year (subject to deduction if the Applicant received an Advance Payment ("AP")). All former students who resided at an IRS who were alive on May 30, 2005 will be eligible for the CEP. Those eligible include but are not limited to First Nations, Métis, and Inuit former students.

The process begins with collecting Applicant information, confirming its completeness and performing a preliminary assessment by verifying the Applicant's identity against the required identity documents.

The Trustee will implement an escalating Assessment process for assessing the eligibility of Applicants. This Assessment process will assess two elements: Residence at an IRS, and duration of Residence. This process relies on the available records which are more complete for some categories of Applicants than others. Therefore, it is important for the Applicant to self-identify on the application form that they were Status, non-Status, Métis, Inuit or non-Aboriginal while at IRS to ensure proper Assessment of their application form.

In cases of Personal Representatives applying on behalf of former students, and where basic information is not available from the former student (e.g., name of school), the Trustee will communicate with the Personal Representative to seek specific information that will assist in the validation of identity and/or Assessment of Residency.

The Trustee will also quality control a random sample of all CEP applications to ensure the accuracy of the CEP research process and results. The files to be quality controlled will be randomly selected and the results verified by research prior to forwarding findings to the Applicant. The planning assumption for the sample amount has been set at 10% of all applications but will be raised or lowered based on a more detailed statistical analysis to ensure the appropriate sample. Quality control reports, including any variance to the 10% sample, will be provided to the Trustee and to the Court Appointed Monitor.

#### STAGE 1: CARS

Initial processing of applications will be performed by CARS. For School Years where all Primary Documents are available, CARS may Assess CEP applications without requiring manual involvement. In the cases where there are Document Gaps, Assessment of applications by CARS will be based on Interpolation or using the Middle-Year Indicator.

#### STAGE 2a: Manual Review

Generally, where CARS cannot Assess and/or Document Gaps exist, manual review will result. Assessment by manual review will involve:

1. Analysis of Ancillary Documents and additional information that CARS did not consider (e.g. a date of admission on a later Primary Document), including information obtained through other Applicants when authorized);
2. Reasoned Assumption where Assessment of Residence is not possible due to Document Gaps, but a Reasoned Assumption can be made based on contextual information from the totality of the information available;
3. Where the analysis of the Ancillary Documents and additional information warrants, Interpolation will be applied; and/or,
4. Mathematically-based Inferences can be made to calculate the duration where Residence is confirmed and either a start or end date is confirmed.

#### STAGE 2b: Request for Additional Information

The Trustee intends to seek documentation and/or information from Applicants that will enable Assessment of eligibility in instances where there is a complete gap in the Student Records or Residence cannot be Assessed after manual review, Inference, Interpolation and Reasoned Assumptions are considered. Where information provided by Applicants can be verified against time-specific information known about each relevant IRS (e.g. the Applicant is able to provide the name(s) of their dorm supervisor(s), or name(s) of other staff and/or students who were at the IRS at the same time and this is corroborated by the historical records), such supplementation would permit Assessment at this stage to be performed according to the same standards used for Stages 1 and 2a. This process will be applied where the Student Records are incomplete or Residence cannot be Assessed so that the benefit of the doubt will be given to the Applicant in Assessment of Residency. Any/All information provided orally (over the phone, to call centre agents in the CEP Response Centre) by a CEP Applicant or his/her Estate or Representative, cannot be incorporated into research products related to IAP/ADR.

#### STAGE 3: Reconsideration

Applicants will be able to initiate Reconsideration of their application in instances when their application is denied, in whole or in part, whether they are able to provide additional information or documents or not.. Additional information could be another name to search against available records, or the provision of documents that put the Applicant at an IRS during their cited time period. Every Applicant (with the exceptions noted below in Stage 4) has the right to Reconsideration so long as they are able to initiate their request before the CEP period has expired.

#### STAGE 4: Appeal

Applicants who have been denied their application, in whole or in part, after reconsideration may appeal to the National Administration Committee ("NAC") for a determination. Applicants may not appeal to the NAC unless reconsideration has occurred.

All Applicants will have the right of appeal except in cases where:

1. The Applicant has not applied for and received a decision on reconsideration;
2. The school for which they have applied is not an IRS as defined in the SA; or,
3. The person for whom the application is made died prior to May 30, 2005 or, for Cloud Class Members died prior to October 5, 1996.

An appeal to the NAC of a decision by the Trustee may be brought as of right within 12 months of the date upon which the Applicant received the decision denying their reconsideration request. Appeals to the NAC may be brought after that period only with leave of the court. The appeal procedure shall be in writing. The NAC will not hold oral appeals. An Applicant shall not be entitled to more than one appeal in respect of an Application, except where a file has been affected by an amendment to the CEP process.

## **4 CEP Validation Principles**

The principles by which CEP validation will be conducted are as follows:

1. Validation is intended to confirm eligibility, not refute it;
2. Validation must accommodate the reality that in some cases records may be incomplete;
3. Validation must be based on the totality of the information available concerning the application;
4. Inferences to the benefit of the Applicant may be made based on the totality of the information available concerning the application;
5. If information is ambiguous, interpretation should favour the Applicant;
6. This principle (6) shall apply to Applicants who identify themselves as having been status Indians at the time of residency in a residential school. The absence of such an Applicant's name from the lists comprising all status Indian residential students in a given year at the school in question shall be interpreted as confirmation of non Residence that year. An Applicant whose application is denied on this basis may seek reconsideration based on the provision of further information;
7. Where an application is not accepted in whole or in part, the Applicant will be advised of the reasons and may seek reconsideration based on the provision of additional information that relates to the rejection, including evidence that may be provided by the Applicant personally which may include:
  - photographs;
  - other documentary evidence of a connection with the school;
  - affidavit evidence, including but not limited to, the affidavits of other students, school or Residence employees, Aboriginal leaders or others with personal knowledge relating to the Applicant's Residence at the school;
  - an affidavit from the Applicant confirming Residence by reference to corroborating documents and/or objective events;
8. An application will not be validated based on the applicant's bare declaration of Residence alone.



## **5 Reconsideration Process**

Once a Common Experience Payment application is processed, applicants receive a detailed letter explaining the result of their assessment, as well as the reasons for denial, and how to proceed if they do not agree with the Trustee's decision.

This process is called Reconsideration. Every Applicant has the right to Reconsideration, except cases where:

- The school for which they have applied is not an IRS as defined in the SA; or,
- The person for whom the application is made died prior to May 30, 2005 or, for Cloud Class Members, prior to October 5, 1996.

Reconsideration will be initiated by the Applicant. As per the CEP Validation Principles 7 and 8, an Applicant will be given an opportunity for reconsideration when their application is denied in whole or in part.

Applicants do not need to provide additional information in order to have their file reconsidered. However, applicants are encouraged to provide any information they may have that might help researchers to confirm residence and years of residence.

Examples of such information could include:

- additional names or nicknames that the Applicant may have used while at IRS;
- photographs;
- other documentary evidence of a connection with the school;
- affidavit evidence, including but not limited to, the affidavits of other students, school or Residence employees, Aboriginal leaders or others with personal knowledge relating to the Applicant's Residence at the school
- an affidavit from the Applicant confirming Residence by reference to corroborating documents and/or objective events.

An application will not be approved based on the Applicant's bare declaration of Residence alone.

The Trustee will review any and all information and documents provided by the Applicant. New information will be reviewed in the context of all available information. Where a clear discrepancy arises between the new information provided and other material previously reviewed such that there is a balanced case supporting either approval or rejection, the Assessment will be made in favor of the Applicant.

Applicants dissatisfied with the outcome of their request for reconsideration rendered by the Trustee, will have the right to appeal the decision to the National Administration Commission (NAC).

### **Information Intake / Processing**

Reconsideration will involve the intake of new and additional information in both written form and orally through the IRSRC Response Centre. Applicants have access to the Reconsideration Request Form on the Trustee's website. Requests for Reconsideration and additional information will be received by the Trustee through the following avenues:

1. Via Mail (including internal mail, courier, etc)
2. Via Fax
3. Via E-Mail
4. Via Response Centre

The requests for reconsideration and information received by the Trustee, will be tracked, monitored and managed in an efficient and time sensitive manner by following the Reconsideration Document Management Procedures developed by the Trustee, to ensure that the complexity of the issues have been captured and considered. The requests will be processed by order of date received to ensure fairness and transparency. Also, priority will be given to elderly applicants requesting reconsideration.

Information provided orally to the IRSRC Response Centre will be documented during the conversation with the applicant. This information will be recorded in SADRE and transferred to the Trustee upon completion of the phone call. The oral information provided by the applicants in the CEP process is to be withheld from information provided by Canada to the IAP Secretariat and the conversation will not be used by Canada in the IAP Process

### **Priority and Timelines**

In an effort to ensure fairness and transparency while balancing the urgency associated with the most elderly, reconsideration requests will be processed based on the following priority:

1. Elderly (where the Applicant was 65 or older as of May 30, 2005);
2. In order of date received, while at the same time dedicating a small team to address the files that can be processed quickly (ie. quick hits).

It is important to note that although some requests may be processed within a few days, on average, the majority of files will be processed within 90 days. At the same time, some files will be extremely complex and may take up to 160 days in order to be processed.

If after 90 days, the Trustee still has not rendered a decision, a system's flag will trigger a letter that will be sent to the Applicant notifying them that the Trustee is still working on their file and additional time is required.

## **6 Documents Provided by Applicants Which Might Be Used to Confirm Residence**

These documents will be examined in order to evaluate if they can confirm either Residence or Attendance, depending on the context. These records are reviewed with the totality of findings and contextual knowledge about the IRS, and the Applicant's information is incorporated into the assessment. For example, if it is known that there were no day school students present during the Applicant's time at an IRS, a document need only show Attendance at the IRS. Many of the types of records listed have been provided by Advance Payment ("AP") Applicants. This list is not meant to be exhaustive.

- Documents from other government sources, which reference Applicant's place of Residence being an IRS (Children's Aid Society records, RCMP records on truancy, Social Services records, etc.)
- Counsellors' monthly reports
- Medical records, physical exams
- Newsletters, yearbooks, journals
- Photographs (sent with enough contextual info on photo or archival description itself [e.g., name of student and date clearly listed], and always reviewed alongside other documents and knowledge about the school)
- Student Records
- School Ledger
- Vocational Class Lists
- Correspondence (from school, government, student, or parents in which date and/or postage is present)
- Class reports
- Transportation Lists
- Contemporaneous secondary source documents (articles from local newspapers)
- Census records
- Band Membership Lists
- Inuit Disc List
- Affidavit evidence, including but not limited to, the affidavits of other students, school or Residence employees, Aboriginal leaders or others with personal knowledge relating to the Applicant's Residence at the school
- An affidavit from the Applicant confirming Residence by reference to corroborating documents and/or objective events

Applicants providing one or more of the documents listed above in support of their Reconsideration request but which also concerns, covers or mentions other former students, wherein acquisition of such records would assist the Trustee in supplementing incomplete record collections, will be asked if he or she consents to have such documents used by the Trustee and IRSRC to confirm the residence of those other former students. If the answer of the Applicant is positive, then such documents will be added to the Ancillary Documents database and used to confirm residence as applicable.

## **7 Guidelines to Assess Applicant's Documents**

Documents provided by Applicants will be analyzed by the Trustee. The content of the document is equally important as the type of document provided. Ultimately, final decisions are within the Trustee's authority, subject to appeal to the NAC and the court.

The following guidelines, though neither exhaustive nor universally applicable, are meant to give an overview of the type of information that will be looked for, in order to assess whether or not the new document will confirm Residence for the School Year(s) in question:

- Does the document speak specifically to Residence at the IRS, rather than just Attendance?
- What is the source of the document? Is it an original copy or a certified copy provided by another level of government, Church, or perhaps a Band or Community Repository?
- Does the document list the Applicant's name?
- Does the document list the name of the IRS?
- Does the document contain a contemporaneous reference to the date?
- If the document was created after the time period it covers, was it created prior to commencement of negotiations for the SA?
- If the document does not specify Residence on its own, can it be reviewed in light of IRS-specific knowledge (e.g. does the Trustee know there were no day students at the IRS, when the document was created) to confirm Residence?
- If the document does not specify Residence on its own, can it be reviewed in light of information provided by the Applicant and by other applicants (e.g. does the Trustee know that the Applicant's home was too far from the school in question to allow for Attendance as a day student?) to confirm Residence?

## 8 Reconsideration Assessment Process

Prior to reviewing any additional information provided by an applicant, the original research findings will be revisited in SADRE.

The School Attendances Analysis tab will be reviewed to determine whether the original assessment of the file was done by CARS, or by a manual researcher in either Stage 2a or Stage 2b, and on what date the application was originally assessed.

If the original research was conducted manually, the reconsideration assessment will be conducted by a different researcher, wherever possible and practical.

The researcher will determine if the application was originally assessed prior to the release of CARS v.2 and/or prior to the implementation of Streamlined Research procedures for Stage 2a Assessment.

A review of all CARS decisions, application of Interpolation and/or Inference models, reasoned assumptions or notes which indicate the basis of the original assessment, in whole or in part will be performed. This analysis will ensure the application is subjected to the current research protocols and standards for assessment.

A new instance will be opened in SADRE School Attendances Analysis tab, and a new search will be performed using the manual CARS interface.

A search of ancillary records (using manual CARS interface, research databases, and/or review of other records in the possession of the Trustee) will be performed. Particular attention will be paid to locate and review records received after the application was originally assessed, including records received through ongoing document collection and through the reconsideration process itself.

The researcher will check SADRE to determine if additional documents or information have been provided by the applicant. The researcher will review scanned images of all such documents in SADRE.

Documents provided by the applicant will be reviewed to assess eligibility for any years which have not been assessed through the review of original research findings and the review of ancillary records (*see also Section 7: Guidelines to Assess Applicants Documents*).

Where additional information is provided by the applicant (verbal information provided to the CEP Response Centre over the phone and/or statement notes about the applicant's time at the IRS submitted on the Reconsideration form), assessment will be performed according to the same standards used in Stages 1, 2a, and 2b.

In instances where there is a complete gap in the student records, or where residency cannot be assessed after review of original research findings, the review of ancillary records or of documents provided by the applicant, a review of any/all additional information provided by the applicant will be performed.

A piece of information provided by the applicant which can be verified against time-specific information known about each relevant IRS (e.g. the applicant is able to provide the name(s) of their dorm supervisor(s), or name(s) of other staff and/or students who were at the IRS at the

same time and this is corroborated by the historical records), would permit assessment at this stage to be performed according to the same standards used for Stages 1 (CARS) and 2a.

Assessment of a piece of information and this process of review is only applied where the student records are incomplete or residence cannot be assessed so that the benefit of the doubt will be given to the applicant in assessment of residency.

Wherein any portion of the application is deemed eligible for payment after this review, the School Attendances Analysis Tab will be updated to generate a supplemental payment. Service Canada will then process the supplemental payment. After reconsideration is complete (whether a supplemental payment was approved or not) Service Canada will send a letter which advises the applicant of the outcome of the reconsideration process, and of the opportunity to appeal the decision.

If the full assessment of the application is not complete after these steps are performed (e.g. applicant provided information pertained to IRS "x" only, where records are complete and the application was fully assessed, but additional information is required for IRS "y" in order to complete the reconsideration process), the researcher will request a "follow-up" applicant contact, using the SADRE communications tab to provide more specific instructions to the CEP Response Centre agents in order to guide the applicant to provide information that may assist in the assessment of eligibility.

## **9 Reasons for Denial of Payment at Reconsideration**

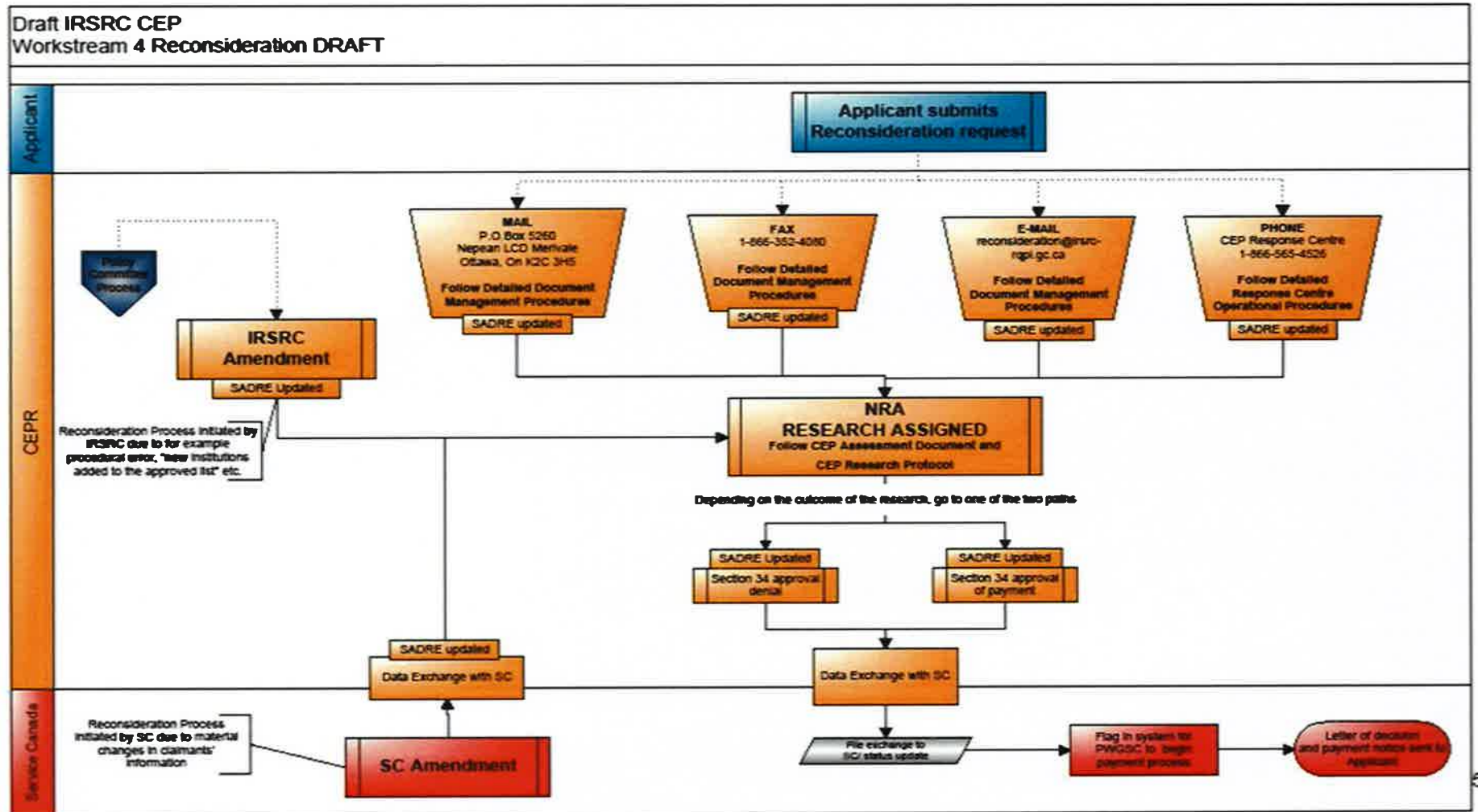
Based on the rules set out in this document, an application may be denied, in whole or in part, if one of the following is found:

- The Applicant's Residence could not be confirmed.
- An Applicant who was a Status Indian is not found on documents but the Primary Documents are complete (or sufficiently complete) for all School Year(s) requested.
- The Applicant applied for a school that is not an IRS.
- The Applicant submitted multiple application forms. The duplicate(s) will not be approved.
- The IRS was not open during the time periods specified by the Applicant.

## **Appendices**



## Appendix A – CEP Reconsideration Workstream



## **Appendix B – Reconsideration Form - sample**



Indian Residential Schools  
Resolution Canada

Résolution des questions des  
pensionats indiens Canada

### **CEP – Request for Reconsideration**

|                                                                        |  |                   |  |
|------------------------------------------------------------------------|--|-------------------|--|
| CEP Transaction ID                                                     |  | WIID              |  |
| Last Name                                                              |  | Given Names       |  |
| Nicknames or other traditional names not indicated on your application |  | Date of Birth     |  |
| Indian Residential School(s) at which you lived                        |  | Years lived there |  |
| Years confirmed                                                        |  | Years denied      |  |

If you wish to apply for a reconsideration of your CEP application, please provide any additional information that might help us confirm that you lived at the Indian Residential School(s) indicated on your application form.

Please mail completed forms to:  
Common Experience Payment Response Centre  
P.O. Box 5260  
Nepean LCD Merivale  
Ottawa, ON K2C 3H5  
(or) Fax: 1-866-352-4080  
(or) E-mail: [reconsideration@irsr-rqpi.gc.ca](mailto:reconsideration@irsr-rqpi.gc.ca)



## RECORD OF DECISION (NAC) - RESCINDED

Record No.: 005/NC

Date: April 29, 2009

**ON JUNE 19, 2009 THE NAC UNANIMOUSLY RESCINDED RECORD OF DECISION NO.: 005/NC.**

### VOTES

|                                                     | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

MERCHANT LAW GROUP  
(E.F.A. Merchant/Jane Ann Summer)

☒☐☐☐

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

☒☐☐☐

## RECORD OF DECISION (NAC)

Record No.: 006/NC

Date: September 2, 2010

### ISSUE

The CEP appeal protocol provides a 12 month limitation period for bringing an appeal from reconsideration to the NAC. CEP Appeals beyond the 12 month limitation may be brought only with leave of the NAC. The attached document sets forth the procedure adopted by the NAC with respect to any applications for such leave.

### VOTES

|                                                     | FOR                                 | AGAINST                  | ABSTAIN/<br>NO RESPONSE  |
|-----------------------------------------------------|-------------------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné)                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

MERCHANT LAW GROUP

☒☐☐

(E.F.A. Merchant)

NATIONAL CONSORTIUM

☒☐☐

(Jon Faulds/Dan Carroll)

**DETERMINATION**

**The attached procedure was approved unanimously.**

**In the interests of establishing an appropriate procedure for considering leave applications, where a CEP appeal is brought after the expiry of the twelve month period, the following procedure shall apply.**

First, a summary of the reasons for delay shall be provided to the NAC. The summary shall include:

1. Where contact is made with the Appellant, the reasons given by the Appellant for the delay;
2. Where contact is not made with the Appellant, a summary of Crawford's efforts to contact the Appellant to inquire about the reasons for the delay and the results thereof. Crawford shall attempt to contact Appellants in accordance with the following contact procedure, which is hereby approved for that purpose:

**Crawford contact procedure.**

- Crawford will make five call attempts over a two-week period to speak with the appellant to verbally obtain the required information;
  - If these calls are unsuccessful, Crawford shall send a contact letter and allow 30 days for a reply from the appellant;
  - If no reply is received Crawford shall make an additional five call attempts.
  - If unsuccessful Crawford will allow a further another 16 days for a reply from the appellant, following which the appellant's file will be returned to INAC for further handling as is.
3. The Application for Appeal and any letter or notes attached to the Application for Appeal. Note: The full appeal package shall not be included; and
  4. The length of time by which the Appeal exceeds the 12 month time period.

Second, in deciding whether to grant leave to the Appellant the NAC will consider the above, and the explanation for the delay, if any.

Third, unless otherwise ordered by the Court the NAC shall not allow any extension of an appeal period beyond September 19, 2012.



## RECORD OF DECISION (NAC) - CLARIFIED

Record No.: 007/NC

Date: January 18, 2013

### ISSUE

The NAC has reviewed their mandate under the Settlement Agreement, particularly Articles 4 and 6, with respect to issues of concern regarding timelines and commitments made to survivors and resolved that the attached Resolution be directed to the Indian Residential Schools Secretariat, the Chief Adjudicator and the Oversight Committee to plan and meet the performance standards as set out therein.

### VOTES

|                                                     | FOR                                 | AGAINST                             | ABSTAIN                  | NO RESPONSE              |
|-----------------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney)     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| INUIT<br>(Gilles Gagné/Janice Payne)                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INDEPENDENT COUNSEL<br>(Peter Grant/Brian O'Reilly) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

MERCHANT LAW GROUP  
(E.F.A. Merchant/Jane Ann Summer)

☒☐☐☐

NATIONAL CONSORTIUM  
(Alan Farrer/Darcy Merkur)

☒☐☐☐

**DETERMINATION**

Motion carried with a five member vote.

## **RECORD OF DECISION (NAC)**

Record No.: 008/NC

Date: January 18, 2013

### **ISSUE**

WHEREAS the Indian Residential Schools Settlement Agreement ("IRSSA") requires that Canada provide sufficient resources to the IAP process to ensure that certain standards for processing IAP claims are met, including the 9 month deadline after a claim has been screened in for an offer of hearing date and the 6 year deadline from Implementation Date for all IAP Applications to be processed;

AND WHEREAS it is apparent that in the present circumstances neither of these two deadlines has been or can be met;

AND WHEREAS it is also apparent that the failure to meet these deadlines is due to the lack of sufficient resources for the IAP claims process, as evidenced, inter alia, by minutes of the Oversight Committee and by the 2011 Annual Report of the Chief Adjudicator;

AND WHEREAS it is possible that it may take until 2017 for all IAP Applications to be processed; "processed" defined by having had a first adjudication hearing, with final adjudication and payment of a successful application potentially taking up to an additional year or more;

AND WHEREAS the increase in resources to complete the IAP process earlier may not increase overall costs as an extension to 2017 will lead to an increase in costs in any case and increasing resources to complete earlier may even lead to a net saving;

AND WHEREAS many survivors are elderly or ill and the number of survivors who will not live to have their IAP claim adjudicated continues to mount as time passes;

AND WHEREAS all Parties to the IRSSA recognized at the time of the Settlement and the Court Approvals that it was critical to complete the IAP process in a timely manner due to the age and health of the survivors of the Residential Schools, which led to the requirement to complete the IAP process by 2015;

AND WHEREAS no IAP claimant ought to be faced with the spectre of a four to five year wait for his or her claim to be resolved, and such a delay is unacceptable to the National Administration Committee ("NAC");

AND WHEREAS the NAC has an overall supervisory role in relation to the IRSSA generally and in relation to resources for the IAP specifically;

THEREFORE BE IT HEREBY RESOLVED THAT:

1. The Indian Residential Schools Secretariat, the Chief Adjudicator and the Oversight Committee are hereby requested to plan and act to accelerate the IAP timetable to meet the following performance standards:
  - a. That every claim be offered a hearing date within 9 months of having been screened in, unless a claimant's failure to meet one or more of the requirements of the IAP frustrates compliance with that objective, in fulfillment of Article 6.03(1)(c) of the IRSSA; and
  - b. That all IAP Applications filed before the application of the IAP Application Deadline be processed prior to December 31, 2015 unless a claimant's failure to meet one or more of the requirements of the IAP frustrates compliance with that objective; and
  - c. That in any event, no fewer than 6,000 IAP claims per year (including NSP resolutions) be processed commencing September 1, 2013.
2. Canada is hereby requested to provide the resources for an accelerated timetable for IAP claims processing necessary to achieve the foregoing performance standards, including but not limited to:
  - a. Relaxation or modification of impediments to staffing identified in minutes of the Oversight Committee and in the 2011 Annual Report of the Chief Adjudicator;
  - b. Assistance otherwise to the Indian Residential Schools Secretariat and the Chief Adjudicator by way of increase in budget allocation of monies, staff and other resources as necessary or advised to meet the performance standards set out above;
  - c. Assignment of additional resources, including but not limited to budget allocation of monies, staff and other resources to Canada departments and agencies participating in and supporting the IAP claims process either directly or indirectly, such as expedited provision of mandatory documents by federal document holding agencies and additional provision of Justice and other hearing and NSP-related staff

that may be required to satisfy the increased demand for same arising in connection with meeting the performance standards set out above.

3. The Indian Residential Schools Secretariat, the Chief Adjudicator, the Oversight Committee and Canada are hereby requested to:

- a. respond to the NAC on or before March 31, 2013 with their plans to meet these requests, and
- b. incorporate their plans to meet these requests in any application to the Court to extend or modify the 9 month and the 6 year deadlines, or either of them.

VOTES

| RESPONSE                                        | FOR                                 | AGAINST                             | ABSTAIN                             | NO                       |
|-------------------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan/Paul Vickery)  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| INUIT<br>(Hugo Prud'homme/Gilles Gagne)         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| CHURCHES<br>(Alex Pettingill/Rod Donlevy)       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

INDEPENDENT COUNSEL  
(Peter Grant)

X

MERCHANT LAW GROUP  
(E.F.A. Merchant/Jane Ann Summer)

X

NATIONAL CONSORTIUM  
(Dan Carroll/Jon Faulds)

X

**DETERMINATION**

Motion carried with a five member vote.

Please note that each member has five (5) business days from the date of receipt to clarify the Record

## RECORD OF DECISION (NAC) - CLARIFIED

Record No.: 009/NC

Date: November 27, 2013

### ISSUE

In connection with the Adjudication Secretariat's IAP completion plan, the IAP Oversight Committee has approved on April 24, 2013, amended May 28, 2013, an "Incomplete File Resolution Procedure" to address case management and in some cases dismissal of IAP claims where the file is unable to proceed to hearing because it is incomplete. That procedure was discussed in a meeting of the NAC with the Chief Adjudicator and the Secretariat on September 17, 2013 and at a NAC meeting on November 27, 2013. Because that procedure provides for dismissal of a claim without a hearing, the NAC has been asked to approve the procedure.

### THEREFORE BE IT HEREBY RESOLVED THAT:

1. The NAC hereby approves in principle the Incomplete File Resolution Procedure subject to the following.
2. The NAC does not support paragraph 22.6 of the Incomplete File Resolution Procedure. The NAC would support an expedited process for application to the supervising courts for directions where the Chief Adjudicator reasonably believes the conduct or caseload of a counsel would interfere with achieving the proposed completion deadlines.
3. This approval in principle shall not operate as a bar in any way to members of the NAC and those represented by members of the NAC from raising specific concerns or objections to portions of the Incomplete File Resolution Procedure.

### VOTES

|                                                 | FOR                                 | AGAINST                  | ABSTAIN                  | NO RESPONSE              |
|-------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| CANADA<br>(Catherine A. Coughlan)               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ASSEMBLY OF FIRST NATIONS<br>(Kathleen Mahoney) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please note that each member has five (5) business days from the date of receipt to clarify the Record

INUIT  
(Hugo Prud'homme)

☒☐☐☐

CHURCHES  
(Alex Pettingill/Rod Donlevy)

☒☐☐☐

INDEPENDENT COUNSEL  
(Peter Grant)

☒☐☐☐

MERCHANT LAW GROUP  
(Jane Ann Summer/E.F.A. Merchant)

☒☐☐☐

NATIONAL CONSORTIUM  
(Dan Carroll/Jon Faulds)

☒☐☐☐

**DETERMINATION**

Motion carried with a unanimous vote.