

APPEAL #

PART C – Decision under Appeal

The decision under appeal is the 2012-02-14 reconsideration decision by the ministry in which the ministry determined that the appellant is not eligible for Child Care Subsidy for the period September 14, 2011 to September 30, 2011 due to the failure of the applicant to apply for the subsidy until Oct 04, 2011. Child Care Subsidy may only be paid from the first day of the month in which the parent completes the application.

PART D – Relevant Legislation

Child Care Subsidy Act, Section 4
Child Care Subsidy Regulation, Sections 4 and 13.

PART E – Summary of Facts

The evidence before the ministry at the time of reconsideration was:

- Child Care Subsidy Request for Reconsideration completed and signed by the appellant January 27, 2012. The document includes a letter from the appellant outlining the reasons for the late submission of the child care subsidy application.
- A 1 page document titled Child Care Subsidy Eligibility Calculator for the dates October 1, 2011 to November 1, 2011.
- A Child Care Subsidy Application signed and dated by the appellant October 4, 2011.
- A 2 page document entitled Child Care Subsidy Child Care Arrangement which indicates the child was in daycare from September 14, 2011 until November 8, 2011, signed by the day care provider December 8, 2011 and by the appellant December 21, 2011.
- A 1 page document entitled Child Care Subsidy Self Employment completed and signed by the appellant's spouse December 21, 2011.
- A 1 page document entitled Child Care Subsidy Self Employment completed and signed by the appellant December 24, 2011.

The appellant told the panel that she had received Child Care Subsidy on 2 occasions previously but she was unsure of the dates and that she did not know the rules about applying in the month the child care begins. She went on to say that she did sign the application on October 4, 2011 and she then gave it to the child care provider to fax to the ministry. The child care provider was unable to do this and subsequently gave the application back to the appellant. The appellant states that she was only 4 days late in applying and is hopeful that the panel will show compassion and allow her to collect the child care subsidy for the time frame 14 to 30 of September 2011. The appellant went on to say she feels that the ministry should have a responsibility to inform clients of the regulations around the child care subsidy application process.

The evidence before the ministry at the time of reconsideration was a Child Care Subsidy Application, dated October 4, 2011, A Child Care Subsidy Child Care Arrangement, indicating the child was in daycare from September 4, 2011 until November 8, 2011, a Child Care Subsidy Eligibility Calculator for the dates October 1, 2011 to November 1, 2011 and 2 one page documents from both parents entitled Child Care Subsidy Self Employment.

The ministry stated that the appellant had been receiving Child Care Subsidy previously in 2011, specifically February and March 2011. The ministry maintains that appellant was sent documentation which explains the process and the requirements for a Child Care Subsidy Application. The ministry also states that the information regarding the application process is available online and in referral centres as well as in the documentation sent to the appellant. The ministry maintains that the appellant has a responsibility to know what the process is and what the requirements are when applying for a subsidy. The ministry points out that the appellant signed the Child Care Subsidy application on October 4, 2011 and that the application is clear in section 9 - Declaration, stating "I confirm that the information supplied by me is true and complete. I understand that

- Subsidy may be paid from the first day of the month in which the application is completed, or the date the child care begins, whichever is later. I am responsible for child care fees prior to this date."

The ministry explained to the appellant that the legislation is clear and must be applied consistently in order for it to be effective.

PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the ministry decision to deny the appellant child care subsidy for the dates of September 14 to 30, 2011, because the appellant did not submit an application until October 4, 2011. Child Care Subsidy may only be paid from the first day of the month in which the parent completes the application.

Child Care Subsidy Act**Child care subsidies**

4 Subject to the regulations, the minister may pay child care subsidies.

Child Care Subsidy Regulation**How to apply for a subsidy**

4 (1) To be eligible for a child care subsidy, a parent must

(a) complete an application in the form required by the minister,

Will a subsidy be paid for child care provided before completion of the application?

13 (1) A child care subsidy may be paid from the first day of the month in which the parent completes an application under section 4.

(2) If an administrative error has been made, a child care subsidy may be paid for child care provided in the 30 days before the parent completes an application under section 4.

The appellant states that she applied for Child Care Subsidy for the dates of September 14 to 30 2011 but did not sign the application until October 4, 2011. The application would have arrived at the ministry sooner but the child care provider who offered to fax the application was not able to do so. The appellant says she did not understand that she must apply for the Child Care Subsidy in the month in which the child care is provided. The appellant says she is hopeful that the panel will provide for an exception to be made in her case.

The ministry maintains that the legislation is clear in stating that the application for Child Care Subsidy must be made in the month the child care is provided. The ministry states that the appellant has received Child Care Subsidy previously in February and March of 2011 and should be aware of the legislative requirements. The ministry states that it does not have the authority to make amendments to the legislation and that it is applied consistently for all applicants. The ministry stands by its reconsideration decision to deny Child Care Subsidy to the appellant for the dates of September 14 to 30, 2011.

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The panel finds that the application shows that the appellant signed and dated the Child Care Subsidy Application on October 4, 2011. Section 13 of the Child Care Subsidy Regulation clearly states that by signing the application the applicant understands that child care subsidy may be paid from the first day of the month in which the application is completed, or the date child care begins, whichever is later. Furthermore, the panel finds that the appellant would not be eligible for the child care subsidy even if the child care provider had faxed the application for the appellant as she said she would as the application was dated in October 2011 and not September 2011 as required in the Child Care Subsidy Act. Nor has any administrative error occurred.

The panel finds that the ministry decision to deny the appellant child care subsidy is reasonably supported by the evidence.

The panel confirms the ministry decision.