



## PART C – Decision under Appeal

The decision under appeal is the Ministry of Children and Family Development (Ministry) Reconsideration Decision dated September 11, 2015, which found the Appellant ineligible for Child Care Subsidy for the period September 1, 2014 to May 31, 2015. The Ministry determined that the Appellant signed her application for the Child Care Subsidy on June 30, 2015 and submitted it July 16. The Child Care Subsidy Regulation (CCSR) Section 13(1) states that a child care subsidy may be paid from the first day of the month in which the parent completes an application under Section 4 of the Regulation; therefore the Ministry determined that the Appellant is eligible for a Child Care Subsidy from June 1, 2015.

## PART D – Relevant Legislation

Child Care Subsidy Act (CCSA) Section 4

Child Care Subsidy Regulation (CCSR) Sections 4 and 13

## PART E – Summary of Facts

Information before the Ministry at reconsideration included:

- Copies of the Appellant's pay records for the periods May 11 to June 10, 2015.
- A copy of the Appellant's Child Care Subsidy Child Care Arrangement form, signed June 30, 2015.
- A copy of the Appellant's Child Care Subsidy Application signed by the Appellant June 30, 2015.
- A copy of the Ministry's letter to the Appellant dated July 31, 2015, advising her of their decision.
- A copy of a Child Care Subsidy Assessment form.
- The Appellant's Request for Reconsideration signed August 26, 2015.

At the hearing, the Appellant stated that she tried to contact the Ministry for an explanation as to why she was ineligible for the Child Care Subsidy for the time her child was in child care but was unsuccessful. She stated that she was told that her paperwork is in order, although she said that there is an error in the number of days she worked per week, which should be 4, not 3. She stated that she does not understand why she is not eligible.

In response to questions from the Panel, the Appellant stated that she asked for coverage for the past because she was not certain whether her child would attend care 3 or 4 days per week and she wanted to see how things went. She stated that she did not realize the denial was based on the date of her application.

The Ministry responded that the Appellant's application was submitted late and there is no provision for retroactive payment. As a result, the application was approved effective June 1, 2015. The Ministry stated that the amount of the subsidy is based on the number of days of child care, not the number of days the applicant works, therefore the error on the application form had no effect on the amount of child care subsidy.

## PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the Ministry's decision which found the Appellant ineligible for Child Care Subsidy for the period September 1, 2014 to May 31, 2015. The Ministry determined that the Appellant signed her application for the Child Care Subsidy on June 30, 2015 and submitted it July 16. The Child Care Subsidy Regulation (CCSR) Section 13(1) states that a child care subsidy may be paid from the first day of the month in which the parent completes an application under Section 4 of the Regulation; therefore the Ministry determined that the Appellant is eligible for a Child Care Subsidy from June 1, 2015.

### Legislation

CCSA

#### Child care subsidies

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

CCSR

#### 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,

(b) supply the minister with the social insurance number of the parent and each adult dependant, and

(c) supply the minister with proof of the identity of each member of the family and proof of eligibility for a child care subsidy.

(2) Only one parent in the family may apply for a child care subsidy.

(3) Repealed. [B.C. Reg. 187/2007, s. (b).]

(4) A parent ceases to be eligible for a child care subsidy on the date that is 12 months after the date of application under subsection (1) or this subsection, as applicable, unless, before that date, the parent completes an application referred to in subsection (1) and otherwise complies with that subsection.

#### 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's position is that she did not understand that a Child Care Subsidy may only be paid from the first day of the month in which the application is completed.

The Ministry's position is that they followed the legislation and there is no provision for a retroactive payment.

The Panel notes that the Ministry correctly quoted the applicable legislation in their correspondence with the

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Appellant. The Panel notes that the Child Care Subsidy Regulation Section 13 states that a child care subsidy may be paid from the first day of the month in which the parent completes an application, and there is no provision for retroactive payments. The Panel finds that the Ministry reasonably determined that the Appellant is not eligible for a Child Care Subsidy prior to June 1, 2015.

The Panel therefore confirms the Ministry decision as reasonably supported by the evidence.