

APPEAL NUMBER

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated May 1, 2019 which denied the appellant's request to receive the Affordable Child Care Benefit for the period between February 1, 2019 and February 28, 2019 as he did not meet the eligibility requirements of Child Care Subsidy (CCS) Regulation Section 13(1). Section 13(1) states "a child care subsidy may be paid from the first day of the month in which the parent completes an application", as the appellant applied on March 8, 2019 the ministry found he was not eligible for the period of February 1, 2019 and February 28, 2019.

**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**

This appeal was held by written hearing by consent of the parties in accordance with section 22(3)(b) of the *Employment and Assistance Act*.

**Summary of key dates:**

- March 8/19- the ministry received an Affordable Child Care Benefit application signed and dated March 8, 2019.
- April 2/19- the appellant was advised he was not eligible for the period of February 1, 2019- February 28, 2019.
- April 23/19- the appellant submitted a Request for Reconsideration.
- April 24/19- the appellant's Request for Reconsideration was received at the Reconsideration Branch.
- May 1/19- the ministry completed its review of the Request for Reconsideration, the appellant was denied

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

- Request for Reconsideration dated April 17, 2019 the appellant states in Section 3, Reason For Request For Reconsideration:
  - He understands applying the benefit to the 1<sup>st</sup> of the month is policy
  - He is asking for an exception as he was under the impression that the benefit could be applied retroactively
  - He was out of work due to an injury and was living on 60% of his usual income
  - He was unable to care for his son in February due to the back injury.
- Affordable Child Care Benefit- Summary
- Affordable Child Care Benefit Application dated March 8, 2019
- Affordable Child Care Benefit Child Care Arrangement dated March 8, 2019
- The appellant's identification
- The appellant's children's birth certificates

**Additional Information**

- In the Notice of Appeal dated May 7, 2019 the appellant wrote:
  - Although the application was submitted in March he has needed assistance since his son's enrolment in February at which time he thought his son's care would be covered.
- Appellant Submission sent June 21, 2019 notes:
  - He was requesting a subsidy for his son's daycare for the period of February 2019 as he was incapacitated with a back injury and attempting to go back to work
  - \$200 is a significant expense and unforeseen
  - Asked for an exception to be made given the financial hardship that will result from paying out of pocket
- Ministry Submission dated July 3, 2019 the ministry stated its submission will be the reconsideration summary provided in the Record of Ministry Decision.

**PART F – REASONS FOR PANEL DECISION**

The issue under appeal is whether the ministry's determination that the appellant did not meet the eligibility requirements for Affordable Child Care Benefit for the period between February 1, 2019 and February 28, 2019.

The ministry upon review found the appellant not eligible for the Affordable Child Care Benefit for the period of February 1, 2019 and February 28, 2019 as he had submitted the application March 8, 2019. As per the CCSR Section 13(1), eligibility for the Affordable Child Care Benefit begins on March 1, 2019 which is the first day of the month in which the application was completed.

Section 13(2) of the CCSR notes the care subsidy may only be backdated if there has been an administrative error. The ministry found there was no evidence to establish that the ministry had made an administrative error.

**Relevant legislation****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,
- (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. [am. B.C. Regs. 218/2003, s. 1; 187/2007, s. (b).]

**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**

The appellant is aware of the time line requirements of the regulation but is asking for an exception as he was under the impression the subsidy would be retroactive and that the cost of February's child care will cause financial hardship for his family.

**Panel Decision**

The legislation CCSR Section 13.1 states "A child care subsidy may be paid from the first day of the month in which the parent completes an application under section 4." As the appellant completed his request March 8, 2019, the panel finds the ministry's determination the appellant was not eligible for the child care subsidy was a reasonable application of the relevant legislation.

The CSSR Section 13.2 states "payment of a child care subsidy may only be backdated if there has been an administrative error". The panel found the ministry reasonable to conclude that there is insufficient evidence that an administrative error had occurred and that the appellant did not qualify for the child care subsidy for the period between February 1, 2019 and February 28, 2019.

**Conclusion**

The panel finds the ministry's reconsideration decision was reasonably supported by the evidence and confirms the ministry's reconsideration decision. The appellant is not successful in his appeal.

APPEAL NUMBER

**PART G – ORDER**

THE PANEL DECISION IS: (Check one)       UNANIMOUS       BY MAJORITY

THE PANEL       CONFIRMS THE MINISTRY DECISION       RESCINDS THE MINISTRY DECISION

If the ministry decision is rescinded, is the panel decision referred back to the Minister  
for a decision as to amount?       Yes       No

**LEGISLATIVE AUTHORITY FOR THE DECISION:**

*Employment and Assistance Act*

Section 24(1)(a)  or Section 24(1)(b)

and

Section 24(2)(a)  or Section 24(2)(b)

**PART H – SIGNATURES**

PRINT NAME

Charles Schellinck

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2019/07/18

PRINT NAME

Joan Cotie

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/07/18

PRINT NAME

Jim Jones

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/07/18