

PART C – Decision under Appeal

The appellant appeals the Ministry's Reconsideration Decision dated January 30, 2012, which reduced the Appellant's income assistance for the month of February 2012 by \$303.33 under section 28 of the *Employment and Assistance Regulation*. On his monthly reporting stub submitted to the Ministry on January 5, 2012, the Appellant declared \$93.33 received December 21, 2011 as employment income; however, the appellant did not declare an amount of \$210.00 received December 28, 2011, which the Ministry confirmed to be employment income. The Ministry reduced the appellant's income assistance for February 2012 by the total of these two amounts ($\$93.33 + \$210.00 = \$303.33$).

In the Reconsideration Decision, the Ministry determined that two payments to the Appellant on December 2 and 12, 2011 of \$200 and \$80 (totaling \$280), were gifts from the Appellant's family, and should not be deducted from his income assistance for February 2012.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) Section 1 Definitions "earned income"; Sections 28, 33, and Schedule A

PART E – Summary of Facts

Information before the Ministry at Reconsideration included:

- The appellant's Request for Reconsideration, signed January 18, 2012;
- Three pages of copies of the Appellant's bank account history.

The Appellant is a single applicant with no dependents who receives income assistance. At the hearing, the Appellant stated that he forgot to declare the \$210 payment of December 28, 2011 as income on his monthly reporting stub as he was having trouble keeping track of his records. The Appellant did not dispute that the \$210 payment was earned income and that it was correctly deducted from his income assistance for February 2012. The Appellant was concerned he would be penalized for failing to report the \$210 earned income on his monthly reporting stub. The Appellant told the panel that he was following his case worker's advice to "seek a hearing".

At the hearing, the Ministry confirmed that it had determined that the \$210 received by the Appellant on December 28, 2011, was earned income, which, together with the earned income of \$93.33 that the Appellant had declared, reduced his income assistance for February 2012 by \$303.33. The Ministry also confirmed that in the Reconsideration Decision, the Ministry had overturned its earlier decision that two payments of \$200 and \$80 received by the Appellant in December 2011 should be deducted from the Appellant's income assistance as "unearned income". The Ministry confirmed that those amounts, totaling \$280, were gifts from the Appellant's family and were not deductible from his income assistance.

The Appellant does not dispute that the amount of \$210 received by him on December 28, 2011 is earned income and should be deducted from his income assistance.

PART F – Reasons for Panel Decision

The issue on this appeal is whether the Ministry's decision to deduct the amount of \$303.33 as "earned income" from the Appellant's monthly income assistance for the month of February 2012, under section 28 of the EAR, is a reasonable application of the legislation.

Legislation

EAR

Definitions

1 (1) In this regulation:

"**earned income**" means

- (a) any money or value received in exchange for work or the provision of a service,....

Amount of income assistance

28 Income assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than

- (a) the amount determined under Schedule A, minus
- (b) the family unit's net income determined under Schedule B.

Monthly reporting requirement

33 For the purposes of section 11(1)(a) [reporting obligations] of the Act,

- (a) the report must be submitted by the 5th day of the calendar month following the calendar month in which there is a change that is listed on paragraph (b), and
- (b) the information required is all of the following, as requested in the monthly report form prescribed under the Forms Regulation:
 - (i) change in the family unit's assets;
 - (ii) change in income received by the family unit and the source of that income;
 - (iii) change in the employment and educational circumstances of recipients in the family unit;
 - (iv) change in family unit membership or the marital status of a recipient.

Schedule A - Income Assistance Rates

Section 1 – Maximum amount of income assistance before deduction of net income

Subject to sections 3 and 6 to 11 of this Schedule, the amount of income assistance referred to in section 28(a) [amount of income assistance] of this regulation is the sum of

- (a) the monthly support allowance under section 2 of this Schedule for a family unit matching the family unit of the applicant or recipient, plus
- (b) the shelter allowance calculated under sections 4 and 5 of this Schedule.

Section 2 – Monthly support allowance

(1) A monthly support allowance for the purpose of section 1(a) is the sum of

- (a) the amount set out in Column 3 of the following table for a family unit described in Column 1 of an applicant or a recipient described in Column 2 ...

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount of support
1	Sole applicant/recipient and no dependent children	Applicant/recipient is under 65 years of age.	\$235.00

....

Section 4 – Monthly shelter allowance

....

- (2) The monthly shelter allowance for a family unit is the smaller of
- (a) the family unit's actual shelter costs, and
 - (b) the maximum set out in the following table for the applicable family size:

Item	Column 1 Family Unit Size	Column 2 Maximum monthly shelter
1	1 person	\$375

The Appellant said that he was concerned he would be penalized for not reporting December 2011 earned income on his monthly reporting stub, submitted on January 5, 2012. He said that he forgot to report the earned income because he was not organized. The Appellant agreed that the amount of \$210 received on December 28, 2011 was earned income, and that he understood why that amount (plus the \$93.33 he had declared) was being deducted from his February 2012 income assistance.

The Ministry stated that it had determined that the amount of \$210 was earned income as expressly set out in the definition of "earned income" in section 1(1)(a) of the EAR, and that it was to be deducted from his income assistance as per the legislation.

The Panel finds that the appellant received earned income of \$210 in December 2011, which he did not report to the Ministry in January 2012 because he forgot. The Panel finds that the Ministry confirmed the amount of \$210 was earned income, and that the Appellant agrees that the amount was earned income. The Panel concludes that the Ministry's decision to reduce the appellant's income assistance for February 2012 by the amount of \$303.33 under s. 28 of the EAR was reasonably supported by the evidence. The Panel therefore confirms the Ministry's decision.