

PART C – Decision under Appeal

The decision under appeal is the ministry's reconsideration decision dated January 27, 2012, which found that the appellant is not eligible for income assistance as the appellant has not provided all the information requested by the ministry, pursuant to Section 10 of the Employment and Assistance Act (EAA). The outstanding documents are: (1) Confirmation of earnings from the appellant's employer for 2010 and 2011; and (2) shelter confirmation from the owner of property or the property manager listing all occupants of her address including the amount of shelter costs. Further, the ministry has declared that under Section 32 (1) of EAR the period for which the appellant is ineligible for income assistance lasts until the appellant complies with the ministry's direction.

PART D – Relevant Legislation

Employment and Assistance Act (EAA), Section 10

Employment and Assistance Regulation (EAR), Section 32

PART E – Summary of Facts

Although notified in the prescribed manner on February 07, 2012 of the place, date and time of the hearing, the appellant was not present at the hearing, nor was anyone on his behalf. Therefore, as allowed by Section 86 (b) of the Employment and Assistance Regulation, the panel proceeded with the hearing in the absence of the appellant.

The evidence before the panel was provided in part in the appeal record and in part through oral evidence submitted at the hearing by the ministry. In the appeal record, as part of the evidence, were copies of the following documents:

1. Letter from the ministry to the appellant dated December 06, 2011, which stated in part that the appellant's file had been selected for review and that information may be requested in order to determine or audit eligibility for assistance; the ministry stated the following information or documentation was required by December 13, 2011:
 - identification;
 - Bank Profiles from two financial institutions
 - Bank Statements for all accounts for the period of April 05, 2011 until December 01, 2011
 - Confirmation of earnings from the appellant's employer for 2010 and 2011
 - Shelter confirmation from the owner of the property listing all occupants at the appellant's address with the amount of shelter costs.
2. Letter from the ministry addressed to the appellant dated December 13, 2011, which stated that the information requested in the letter dated December 06, 2011 had not yet been submitted by the appellant; the ministry pointed out that if the information was not provided by December 21, 2011, it might be unable to determine the appellant's eligibility for further income assistance.
3. Letter from the ministry to the appellant dated December 13, 2011 informing her that the Employment and Assistance cheque for the month of January 2012 would be held at the ministry office until the requested information had been received; also, that the appellant should contact the ministry worker at the phone number provided by December 21, 2011 in order to determine her eligibility for assistance.
4. Letter from the ministry addressed to the appellant dated December 29, 2011 informing her that because she had not provided the banking and shelter information as well as current and past employment earnings, as required by the ministry on the letters dated December 6 and 13, 2011, she was no longer eligible for assistance; that her file would be closed on January 31, 2012.
5. Copy of bank statement, in the name of the appellant and a co-account holder, for the period from March 31, 2011 to August 18, 2011.
6. Copy of bank statement, in the name of the appellant and a co-account holder, for the period from August 18, 2011 to November 25, 2011.
7. Copy of a payroll record in the appellant's name dated January 04, 2012, for the period from July 16, 2011 to December 31, 2011, with a handwritten note informing that "This form was all the (employer) was unable to give me keep in mind most was claimed before I was told I was on disability and rough without deductions."

8. Copy of a Bank Profile completed by one of the identified financial institutions, dated December 21, 2011, disclosing the name of the appellant and a co-account holder and the account number.
9. Copies of Bank Profiles from two other institutions showing no record of accounts in the appellant's name.
10. Confirmation of Earnings forms for the years of 2010 and 2011 in the appellant's name, with no data provided.
11. The appellant's Reason for Request of Reconsideration, dated December 29, 2011, with a statement she provided telling how devastated she felt; that she "should never have been told about being on disability" by a ministry worker; that "it has only been a year that she has been on assistance" and now when she needs "help as a single mother this happens without any clarity because of my disorders"; that she had been barely working and had taken a lot of time off due to lack of mobility; that she is "extremely sorry" for what happened, and that she would like "to find a way to repent the situation"; finally that all she cares about are her children and asks the ministry not to discontinue her benefits.
12. The appellant's Notice of Appeal, dated January 31, 2012, with the appellant stating that "It is because of the Ministry in Maple Ridge that I was under the impression that I was on disability after handing the forms them myself also I have only been on assistance for a year since my injury and (PTSD) before that I work 80 hrs a week now I need help with being a single mom please help" (*sic*)

At the hearing the ministry stated that the appellant was a recipient of Income Assistance as a single parent of two children with no other person listed on her file. The ministry informed the panel that the appellant was required to provide information/verification of information of banking, earnings and shelter to clarify the cost of her rent, since it was quite high; that she provided banking information but there are discrepancies on the bank statements and that the appellant did not provide clarification about those discrepancies; that these documents revealed a joint bank account between the appellant and another person; that there was information that the appellant is in a relationship with this person and that this person is the father of her children. The ministry pointed out that this situation would affect the appellant's eligibility for Income Assistance, and that she has never disclosed this information to the ministry.

The ministry submitted that with respect to earnings, the appellant provided a copy of a payroll record but the information provided was not sufficient since some data was missing – notably, the name of the employer. The ministry stated that the appellant was expected to declare her earnings each month or any other change in her income; that there was information that she had been working at least since January 2011 but that she never declared any income since applying for Income Assistance in May 2011. The ministry also pointed out that the appellant has provided documents about banking and earnings, but has not provided any additional verification needed concerning those documents; that she did not provide any information regarding earnings in 2010, and that the appellant did not provide any information/verification regarding shelter, as required by the ministry. Finally, the ministry stated that because the appellant did not comply with the ministry's requirements, she was found ineligible for further Income Assistance until the requested information was provided.

PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry reasonably concluded that the appellant is not eligible for Income Assistance as the appellant has not provided information requested by the ministry pursuant to Section 10 of the Employment and Assistance Act (EAA), namely: (1) Confirmation of earnings from the appellant's employer for 2010 and 2011; and (2) shelter confirmation from the owner of property or a property manager listing all occupants of her address including the amount of shelter costs.

Section 10(1) and (4) of the Employment and Assistance Act (EAA) provide that:

Information and Verification

10 (1) For the purposes of

- (a) determining whether a person wanting to apply for income assistance or hardship assistance is eligible to apply for it,
- (b) determining or auditing eligibility for income assistance, hardship assistance or a supplement,
- (c) assessing employability and skills for the purposes of an employment plan, or
- (d) assessing compliance with the conditions of an employment plan,

the minister may do one or more of the following:

- (e) direct a person referred to in paragraph (a), an applicant or a recipient to supply the minister with information within the time and in the manner specified by the minister;
 - (f) seek verification of any information supplied to the minister by a person referred to in paragraph (a), an applicant or a recipient;
 - (g) direct a person referred to in paragraph (a), an applicant or a recipient to supply verification of any information he or she supplied to the minister.
- (2) The minister may direct an applicant or a recipient to supply verification of information received by the minister if that information relates to the eligibility of the family unit for income assistance, hardship assistance or a supplement.
- (3) Subsection (1) (e) to (g) applies with respect to a dependent youth for a purpose referred to in subsection (1) (c) or (d).
- (4) If an applicant or a recipient fails to comply with a direction under this section, the minister may declare the family unit ineligible for income assistance, hardship assistance or a supplement for the prescribed period.

Section 32(1) of the Employment and Assistance Regulation (EAR) provides that:

Consequences of failing to provide information or verification when directed

32 (1) For the purposes of section 10 (4) [information and verification] of the Act, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction.

The ministry's position is that the appellant has been in receipt of assistance as a single employable parent since May 2011; that in order to determine the appellant's eligibility, and pursuant Section 10 of the EAA, the ministry requested that the appellant provide specific information and verification of how she was managing to maintain her current monthly expenses, particularly, how she was managing to pay her rent as the cost was significantly higher than her shelter allowance; that, as a consequence, the appellant was required to provide documentation concerning bank profiles, bank statements, confirmation of earnings and shelter confirmation from the property owner or property manager listing all occupants of her address with the amount of shelter costs. The ministry pointed out that it requested this information in letters sent directly to the appellant dated December 6 and December 13, 2011; that because she had not submitted the requested information by the deadline of December 21, 2011, another letter, dated December 29, 2011, was sent to her advising her that she was no longer eligible for Income Assistance due to her failure to provide the information required to determine eligibility.

The ministry submitted that on January 6, 2012 the appellant submitted bank profiles disclosing that she had no accounts in two institutions and had a joint account in another with regular payroll deposits from May 2011, but no indication of the employer's identification and no record of Income Assistance cheques being cashed through these bank accounts; that the statements showed federal government payments but other than GST no indication of the reason for those payments. The ministry stated that on January 18, 2012 the appellant also provided pay records, but that the documents did not include the employer's name or contact number, did not show any deductions at source and that the amounts did not correspond with the deposits to her bank account; that none of the requested details on her shelter was provided. Finally, that the appellant had provided some documents, but the information did not adequately verify her employment income or the status of her shelter and, therefore, the appellant was found ineligible for Income Assistance until she complied with the requirements, pursuant to Section 32 of the EAR.

The appellant stated that she was devastated with what had happened and that it was due to lack of clarity or proper communication with her; that it had been only a year that she had been on assistance; that she was a single mother and needed help; that she had been barely working and had taken a lot of time off due to her lack of mobility; that she was extremely sorry and would like to find a way to 'repent the situation'. Finally, that she needed the ministry's financial help.

The panel finds that Section 10(1) of the EAA provides that the ministry may direct an applicant or recipient to supply the ministry with information within the time and manner specified, and has the authority to direct an applicant or recipient to supply verification of any information he or she supplied to the ministry. The panel finds that Section 10(2) of the EAA enables the ministry to direct an applicant or recipient to supply verification of information received by the ministry if that information relates to the eligibility of the family unit for income assistance, and Section 10(4) states that if a recipient fails to comply with a direction under Section 10, the ministry may declare the family unit ineligible for Income Assistance for the prescribed period. The panel finds that Section 32(1) of the EAR states that the ministry may declare the family unit ineligible for Income Assistance until the applicant or recipient complies with the direction.

From the evidence provided in the appeal record, the panel finds that the letters forwarded by the ministry to the appellant dated December 6, 2011 and December 13, 2011 requested specific information from the appellant, pursuant to Section 10(1) of the EAA, by the deadlines of December 13 and December 21, 2011 respectively; that because no document/information was provided to the ministry by December 29, 2011, another letter was sent to the appellant advising her that she was no longer eligible for Income Assistance and that her file would be closed on January 31, 2012, per Section 10(4) of the EAA .

The panel also finds that the evidence demonstrated that although the appellant had later submitted some of the required documents on January 6 and 18, 2011, some of the information on the documents was incomplete or needed verification; that the appellant did not provide any information regarding her earnings for the year of 2010; and that she did not provide shelter confirmation from the owner of the property or the property manager listing all occupants of her address, including the amount of shelter costs.

The evidence also demonstrated that the appellant was 'devastated' with the situation and explained that it had happened due to the lack of order in her life, lack of clarity or proper communication with her, that she had recently taken a lot of time off from work due to her problem with mobility; however, the panel finds that the evidence demonstrated that the appellant did not dispute that she had not submitted all the documents and information as required by the ministry.

Given all the evidence and the above consideration, the panel finds that the ministry's determination that the appellant has not provided information requested by the ministry pursuant to Section 10 of the EAA, and that the appellant is not eligible for Income Assistance until she complies with the direction, pursuant to Section 32(1) of the EAR, was reasonable.

Therefore, the Panel finds that the ministry's decision was reasonably supported by the evidence and was a reasonable application of the applicable enactment in the circumstances of the appellant and confirms the decision.