

PART C – Decision under Appeal

The decision under appeal is the ministry's Reconsideration Decision dated 20 February 2012 which determined that the appellant was not eligible for a supplement to obtain proof of identity under section 55 of the Employment and Assistance Regulation because the ministry has adequate confirmation of the appellant's identity. The ministry further found the appellant was not eligible for a crisis supplement for the same purpose under section 59 of the Regulation, as the eligibility for such a supplement had not been met.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), sections 55 and 59.

PART E – Summary of Facts

The appellant failed to appear at the hearing at the scheduled time and date. After verifying that the appellant had received notification of the hearing at least 2 business days before the hearing date by examining the Canada Post tracking report for the Notice of Hearing, the hearing proceeded under section 86(b) of the EAR.

The evidence before the ministry at reconsideration included photocopies, date-stamped 13 February 2012 of copies of the following identity documents of the appellant on file with the ministry:

- The ministry personal profile for the appellant, including a digital image.
- MSP CareCard
- BC Birth Certificate (in two formats, with identical information)
- BC Identification Card
- Social Insurance Number card

The appellant is in receipt of income assistance as single employable person.

In his Request for Reconsideration dated 17 January 2012 the appellant wrote:

"Because I am in a recovery house, living on \$60 a month, I need to get my ID so I can get a bank account and get a job. I called the MLA and they said they would send an email on my behalf. I would really appreciate this. Thanks."

In his Notice of Appeal dated 20 February 2012 the appellant wrote:

"Because I'm struggling to get on with my life I want to get off income assistance. I need ID to open a bank account to do anything. Please help me."

At the hearing, the ministry representative stated that it was her understanding that the BC Identification Card costs \$15, but ministry clients could renew theirs for free by showing a recent ministry cheque stub. She did not know if this applied if the card had expired, or had been expired for a long time – in the appellant's case, his expired in 2002.

The ministry stood by its position at reconsideration.

The panel finds as fact that the ministry has adequate confirmation of the appellant's identity.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry reasonably determined that the appellant was not eligible for a supplement to obtain proof of identity under section 55 of the EAR because the ministry has adequate confirmation of the appellant's identity and that he was not eligible for a crisis supplement for the same purpose under EAR section 59, as the eligibility for a crisis supplement had not been met.

The relevant section of the EAR are set out below:

Supplement to obtain proof of identity

55 The minister may provide a supplement to or for a family unit that is eligible for hardship assistance to cover the cost of obtaining proof of the identity of a person in the family unit that is required for the family unit to be eligible for income assistance.

Crisis supplement

- 59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income assistance or hardship assistance if
- (a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and
 - (b) the minister considers that failure to meet the expense or obtain the item will result in
 - (i) imminent danger to the physical health of any person in the family unit, or
 - (ii) removal of a child under the *Child, Family and Community Service Act*.

The position of the ministry is that, as the ministry has adequate confirmation of the appellant's identity, the appellant is not eligible for the proof of identity supplement under section 55 of the EAR. The appellant made no submission as to eligibility under this section. As the appellant is already in receipt of income assistance and as the panel has found as fact that the ministry has adequate confirmation of the appellant's identity, the panel therefore finds the ministry reasonably determined that the appellant was not eligible for a supplement under this section.

As to the appellant's eligibility for a crisis supplement to obtain proof of identity under section 59 of the EAR, the position of the ministry is that the need for identification cannot be considered an unexpected expense and the appellant has not indicated any extraordinary circumstances requiring identification. Further, he has not provided any evidence that failure to obtain identification will result in imminent danger to his health. In addition, he has alternate resources available, as his support allowances are intended to be used for daily living expenses, such as personal items including identification.

The position of the appellant is that he needs to get his ID so he can get a bank account and get a job and get on with his life.

The panel notes that the appellant made no argument and produced no evidence to support his request under the unexpected expense – no alternative resources available – imminent danger to health criteria under section 59 of the EAR. In the absence of such evidence and argument, the panel finds the ministry reasonably determined that the appellant was not eligible for a crisis supplement under section 59 of the EAR.

The panel therefore finds that the ministry decision to deny the appellant a supplement to obtain proof of identity under sections 55 and 59 of the EAR was a reasonable application of the legislation in the circumstances of the appellant and confirms the ministry's decision.