

**PART C – Decision under Appeal**

The decision under appeal is the ministry's reconsideration decision dated May 15, 2012 which held that the appellant is not eligible for March 2012 income assistance as the appellant failed to complete and submit a monthly reporting stub as required by the minister under Section 11(1) of the EAA that specifies a reporting requirement under Section 33(1) which allows the ministry to determine eligibility for income assistance.

**PART D – Relevant Legislation**

Employment and Assistance Act (EAA), Section 11(1)  
Employment and Assistance Regulation (EAR), Section 33(1)

## PART E – Summary of Facts

The evidence before the ministry at the time of reconsideration includes the following:

- March 2, 2012 the appellant called the ministry to ask if his March 2012 income assistance cheque had been directly deposited into his bank account. The ministry advised him that his March 2012 had not been deposited because he had not submitted a monthly reporting stub.
- April 23, 2012 the appellant attended the ministry office and attempts by the ministry to re-issue the cheque were denied by the ministry's computer system. The ministry denied the appellant income assistance for March 2012.
- May 15, 2012 the appellant files a Request for Reconsideration. The appellant reports that he filled out the direct deposit forms so his cheques would be directly deposited in his bank account. The appellant states he called the ministry's toll free number twice. On the second call he was advised to pick up his cheque at the office and to make an appointment to see his worker. At the office he learned his cheque had been cancelled and the computer would not allow it to be re-issued. The appellant reports he was informed that the ministry could not find his monthly reporting stub which he states he put in the ministry drop box on March 29. He claims the ministry lost his stub. He also claims he called the ministry to let them know he was out of the province for a family funeral and would not be back until March 28 and, therefore, they knew his stub was going to be late. He says, as a result of the matter, he is a month behind in paying his bills.

In his Notice of Appeal (NOA) dated May 24, 2012 the appellant states "was told by worker that all information for March was there but because of computer she could not issue cheque and I'd have to appeal. Told next day they could not find my stub."

At the hearing, the appellant reports that he went to [another province] at the end of February 2012 for a funeral because of the death of his cousin. He reports also that after he left, in late February, he remembered that he had not submitted the stub to the Ministry and he called a friend who had the keys to his home and his friend delivered the stub to the Ministry office. He states he returned March 28, 2012 and the following day on March 29, 2012 he deposited in the ministry drop box his monthly reporting stub. Because his March income assistance was not directly deposited he called the ministry and was told by a worker a new computer system was being implemented and to be patient. Several days later he called and was told to pick up his cheque at the ministry office. When he visited the office he learned that it had been cancelled as they could not find his monthly stub that he says he dropped off on March 29, 2012. He questions why the ministry issued a cheque if they did not have his stub for March 2012 assistance?

The ministry stood by the record. The ministry advises that the income assistance cheque process revolves around the submission by recipients of a monthly reporting stub. The ministry said the monthly reporting stub is treated seriously as it is a legal document on which they assess a recipients changing circumstances and continuing need for income assistance. The Ministry further described the process that requires recipients to submit these monthly reporting stubs in a timely manner and that each month these are to be submitted by the 5<sup>th</sup> of the month or, at the latest, by the Friday before the issuance of income assistance cheques the following week. The Ministry said these stubs

are required in order to receive income assistance in the following month. In the case of the appellant's March 2012 income assistance the monthly reporting stub would have needed to be submitted by the appellant February 5, 2012 and, at the latest, by February 17, 2012 in order for March 2012 income assistance to be issued on February 22, 2012.

The ministry also pointed out that when recipients leave the province they can mail or fax their monthly reports but are required to advise the ministry if they are out of the province for more than 30 days. The ministry said that with respect to the appellant's March 2012 income assistance that too much time had passed by April 23, 2012 to reconsider the matter. The ministry described how he spent more than an hour reviewing all the stubs submitted to the local office for March 2012 income assistance and could not find one for the Appellant. It also reviewed the appellant's file record on the computer at the hearing and confirmed that the appellant had received his April 2012 income assistance and that the cheque had been cashed. The Ministry confirmed also that a cheque for the appellant was issued on February 22, 2012, and later cancelled, as the practice of the Ministry is to issue what is called a no stub cheque in the event that the income assistance recipient appears at the office and is determined eligible for income assistance for that month. It further clarified that this cheque would have been held for a maximum period of 4 weeks from February 22, 2012 in order to receive an appropriate monthly reporting stub for the appropriate month which did not occur.

## PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the Ministry's decision to deny the appellant's income assistance for March 2012 for failure to complete and submit a reporting stub as required by the minister under Section 11(1) of the EAA that as a reporting requirement under Section 33(1) allows the ministry to determine eligibility for appellant income assistance.

The Employment and Assistance Act provides the following:

### Reporting obligations

**11** (1) *For a family unit to be eligible for income assistance, a recipient, in the manner and within the time specified by regulation, must*

(a) *submit to the minister a report that*

(i) *is in the form prescribed by the minister, and*

(ii) *contains the prescribed information, and*

(b) *notify the minister of any change in circumstances or information that*

(i) *may affect the eligibility of the family unit, and*

(ii) *was previously provided to the minister.*

(2) *A report under subsection (1) (a) is deemed not to have been submitted unless the accuracy of the information provided in it is affirmed by the signature of each recipient.*

The Employment and Assistance Regulation provides the following:

### Monthly reporting requirement

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

(a) *the report must be submitted by the 5th day of each calendar month, and*

(b) *the information required is all of the following, as requested in the monthly report form prescribed under the Forms Regulation, B.C. Reg. 315/2005:*

(i) *whether the family unit requires further assistance;*

(ii) *changes in the family unit's assets;*

(iii) *all income received by the family unit and the source of that income;*

(iv) *the employment and educational circumstances of recipients in the family unit;*

(v) *changes in family unit membership or the marital status of a recipient.*

The ministry argues that the appellant did not file the monthly reporting stub for March 2012 income assistance required under Section 33(1) of the EAR, that was due February 5, 2012 and that it would have been accepted had he submitted the monthly reporting stub by February 17, 2012. However, by not submitting a monthly reporting stub for the March 2012 income assistance by February 17, 2012 the ministry denied payment of March 2012 income assistance benefits since the required reporting requirements had not been met.

The appellant argues that he arranged for someone in his absence from the province beginning at the end of February 2012 to drop his monthly reporting form off with the ministry on his behalf. However, there was no supporting evidence that his friend dropped off the stub at the end of February and, in the absence of this the panel accepts the Ministry evidence that the local office did not receive a monthly reporting stub for March, 2012. The appellant also argues that on March 29, 2012 when he returned from his visit to another province he dropped his monthly reporting stub in the ministry drop box. The Ministry accepted the stub submitted on March 29<sup>th</sup> as confirmation that the Appellant was seeking income assistance for April and subsequently issued a cheque to the appellant. The appellant said that the ministry prepared a cheque for March 2012, but the ministry office advised him it was cancelled. He feels he is penalized in not receiving his March 2012 income assistance because the ministry lost this stub and cancelled his March cheque.

In examining the ministry's argument, the panel notes that Section 33(1) of the EAR refers to Section 11(a) of the EAR. That section states that for a recipient to be eligible for income assistance the Monthly Reporting Form must be submitted and there is no discretion allowed to issue income assistance when the monthly reporting form is not submitted. The appellant admitted that he is confused by the rules for income assistance and was not aware of the monthly reporting requirements and when they are required by the Ministry. The Appellant's submission of a monthly reporting stub on March 29, 2012 would appear to have satisfied the ministry requirement for his April 2012 income assistance. The panel finds the ministry undertook an examination and exercised due diligence in determining the appellant did not submit his monthly reporting stub to allow it an ability to issue March 2012 income assistance to the appellant. While the panel acknowledges that the appellant has expressed a misunderstanding of the process for submitting the monthly reporting stub, the submission of the monthly reporting stub is a critical mandatory obligation and requirement under the legislation. As a result, the panel believes it reasonable for the ministry to have denied the appellant income assistance for March 2012 because the appellant failed to submit a mandatory monthly reporting stub as required by the legislation.

The panel finds the ministry's reconsideration decision was a reasonable application of the applicable legislation in the circumstance of the appellant and confirms the decision.