

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development's (ministry) Reconsideration Decision dated April 23, 2012 denying the appellant's request for ongoing income assistance. The ministry's decision states that the appellant was found ineligible for ongoing income assistance pursuant to Section 10(4) of the *Employment and Assistance* (EA) Act as he had not provided requested information and documentation in the time specified by the minister as required by section 10(2) of the EA Act.

PART D – Relevant Legislation

Employment and Assistance Act (EA Act) Section 10 (1)(2) and (4)
Employment and Assistance Regulation (EA Regulation) Section 32

PART E – Summary of Facts

At reconsideration, the documents that were before the ministry included the following:

- 1) Application for Income Assistance dated December 8, 2009;
- 2) Letter from the ministry to the appellant dated March 1, 2012 requesting various information and documentation including current rent receipt and utility bills, confirmation of the legal owner of the appellant's residence, explanation as to how the appellant was managing his shelter costs, bank profiles, bank statements and a list of the appellant's monthly income and expenses (the "First Letter");
- 3) Letter from the ministry to the appellant dated March 13, 2012 again requesting information and documentation to determine the appellant's eligibility for ongoing income assistance (the "Second Letter");
- 4) Letter from the ministry to the appellant dated March 21, 2012 advising that as the requested information and documentation was not received the appellant was no longer eligible for income assistance;
- 5) Request for Reconsideration completed March 22, 2012 in which the appellant states that he asked for additional time to provide the requested documents.

In the Reconsideration Decision, the ministry states that they sent the First Letter and the Second Letter to the appellant requesting information and documentation in order to assess the appellant's ongoing eligibility for income assistance but the appellant did not provide the information and documentation as requested.

The Reconsideration Decision states that the appellant submitted his Reconsideration Request and the ministry granted the appellant a ten day extension to provide the requested information and documentation but the appellant still did not provide the requested information and documentation. The Reconsideration Decision states that as the information and documentation was not provided the minister is unable to determine the appellant's eligibility for ongoing income assistance.

In his Notice of Appeal dated May 1, 2012 the appellant states that the ministry was asked to give him more time to get the requested information and that regardless of the responses, he is in need of income assistance and has to pay his rent and eat every month.

The appeal proceeded by way of written hearing. The ministry relied on the Reconsideration Decision. The appellant did not provide any written submissions.

Based on the evidence, the panel's findings of fact are as follows:

- The appellant applied for income assistance on December 8, 2009;
- On March 13 and 21, 2012 the ministry requested that the appellant provide information and documentation for determining or auditing eligibility;

- On March 22, 2012 the appellant requested and was granted a ten day extension to provide the requested information and documentation;
- The appellant did not provide the requested information and documentation.

PART F – Reasons for Panel Decision

The issue to be determined is whether the ministry's Reconsideration Decision that the appellant was not eligible for income assistance due to failure to provide information and documentation to determine eligibility for assistance pursuant to Section 10 of the EA Act was either reasonably supported by the evidence or a reasonable application of the legislation in the circumstances of the appellant.

The relevant sections of the legislation provide as follows:

Employment and Assistance Act

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.

Employment and Assistance Regulation

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.
- (2) For the purposes of section 10 (5) [*information and verification*] of the Act,
- (a) the amount by which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit is \$100 for each calendar month, and
 - (b) the period for which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit lasts until the dependent youth complies with the direction.

The ministry's decision was based on its finding that the appellant had not provided the requested information and documentation in the time specified by the minister in order to allow the ministry to determine or audit the appellant's eligibility for income assistance, pursuant to Sections 10(1) and (2) of the EA Act. The ministry's position is that as the appellant failed to provide the requested information and documentation he was declared to be ineligible for income assistance. The ministry's position is that pursuant to Section 32(1) of the EA Regulation, the appellant would remain ineligible for income assistance until he complied with the direction of Section 10(4) of the EA Act.

In his Request for Reconsideration the appellant requested more time to provide the requested information and documentation. In his Notice of Appeal the appellant also states that the ministry was asked to give him more time to get the information and that he remains in need of income assistance. However, the evidence indicates that the appellant did not provide the requested information and documentation even after being granted an extension of time to do so.

Based on the evidence, the panel finds that the ministry's determination that the appellant has not provided information and documentation requested by the ministry pursuant to Section 10 of the EA Act, and that the appellant is not eligible for income assistance until he complies with the direction, pursuant to Section 32(1) of the EA Regulation, 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 legislation in the circumstances of the appellant and confirms the decision.