

**PART C – Decision under Appeal**

The decision under appeal is the Reconsideration Decision by the Ministry of Social Development dated 10 April 2012, which held that, pursuant to section 17 of the Employment and Assistance Regulation, the appellant ceased to be eligible for income assistance as of 01 February 2012, because the ministry found that as of approximately 30 January 2012 he had been absent from BC for more than 30 days.

**PART D – Relevant Legislation**

Employment and Assistance Regulation (EAR), section 17

## PART E – Summary of Facts

The evidence before the ministry at reconsideration includes information from the ministry's file and summarized in the "Decision to be Reconsidered" section of the appellant's Request for Reconsideration:

- The appellant is a single person in receipt of regular income assistance. His current file has been opened since 20 December 2011.
- He attended the ministry office on 21 March 2012. He advised the ministry worker that he had left the province at the end of December 2011. He said that his intention was to visit his sister in another province because she suffered from a serious disease. He said that he returned some time around 14 March 2012. He said that he did not receive the February 2012 income assistance cheque because he was out of province. At that point the worker found that he did not qualify for income assistance because he was out of the province for more than 30 days. The worker estimated that he may have been out of the province for up to 75 days.

In his request for reconsideration dated 22 March 2012 the appellant wrote:

"I left the city and money was stolen from me. I came to the office and let them know I was going and got a form for the [charitable organization] for a bus ticket...."

In its Reconsideration Decision, the ministry noted under "Summary of Facts" that on 28 December 2012 the appellant attended the local ministry office and stated that he would be traveling. He requested a Release of Information form for the [charitable organization] to assist with purchasing a bus ticket.

In his Notice of Appeal dated 27 April 2012, the appellant gives as reasons for appeal the following: "Because I need help. I would like to get a job and off the streets."

The appellant did not make a written submission to the panel.

In an email to the Tribunal dated 05 July 2012 the ministry stated that there would be no submission by the ministry, as it is relying on the Reconsideration Decision.

## PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry reasonably determined that, pursuant to section 17 of the EAR, the appellant ceased to be eligible for income assistance as of 01 February 2012, because the ministry found that as of approximately 30 January 2012 he had been absent from BC for more than 30 days.

Section 17 of the EAR sets out the applicable legislation:

### **Effect of recipient being absent from BC for more than 30 days**

- 17 The family unit of a recipient who is outside of British Columbia for more than a total of 30 days in a year ceases to be eligible for income assistance or hardship assistance unless the minister has given prior authorization for the continuance of income assistance or hardship assistance for the purpose of
- (a) permitting the recipient to participate in a formal education program,
  - (b) permitting the recipient to obtain medical therapy prescribed by a medical practitioner, or
  - (c) avoiding undue hardship.

The position of the ministry is that, based on his attendance at the local ministry office on 28 December 2011 and his statement to the ministry worker on 21 March 2012, the ministry is satisfied that the appellant left BC on or around 30 December 2011 and returned on 14 March 2012. Therefore, as of approximately 30 January 2012 he had been absent from BC for more than 30 consecutive days. The ministry notes that there is no indication he asked for or received permission to be out of the province for more than 30 days for educational or medical reasons, or to avoid undue hardship.

The position of the appellant, as set out in his notice of appeal, is that he needs help and that he would like to get a job and get off the streets.

Given the chronology of contact by the appellant with the ministry and his statements on those occasions, as described by the ministry above, and considering that the appellant has not disputed his extended absence from the province, the panel finds that the ministry reasonably concluded that the appellant was absent from BC for at least 30 days as of 30 January 2012. And as there is no indication that the appellant requested, or was given, prior authorization for his absence for the reasons described in subsections 17 (a), (b) or (c) of the EAR, the panel finds that the ministry determination that the appellant ceased to be eligible for income assistance as of 01 February 2012 was reasonably supported by the evidence.

The panel therefore confirms the ministry's decision.