

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development's (the ministry) reconsideration decision of July 05, 2012 in which the ministry denied the appellant income assistance as he is a full time student enrolled in a funded program of studies.

### PART D – Relevant Legislation

Employment and Assistance Regulation Section 1  
Employment and Assistance Regulation Section 16

## PART E – Summary of Facts

The appellant did not attend the teleconference. After confirming that the appellant had been notified, the hearing commenced under Employment and Assistance Regulation section 86 (b).

The evidence before the ministry at the time of reconsideration included:

- Employment and Assistance Request for Reconsideration, dated June 25, 2012, containing the handwritten reason explaining the request.
- A notice of assessment, dated April 04, 2012 which outlines the student loans the appellant has qualified for in the amount of \$9,524.00
- 2 pages of documentation from Vancouver Community College outlining the student schedule and registration

The appellant stated in his notice of appeal that he is in school and that he got a student loan but it was only for school. He stated that he wants to be eligible for social assistance again so that he can survive and pay rent. He stated that he needs help with support until he finishes school and can get a job. He stated that he is tired of looking for work and not getting any interviews and this is the reason he is going to school.

The ministry stated that a file review was started on the appellant's file due to information received from a student loan information match. The ministry stated that on June 18, 2012, the appellant contacted the ministry regarding the review and confirmed that he is a full time student, receiving a student loan and confirmed his ability to submit the required documentation. On June 19, 2012 the appellant submitted his Student aid BC Notification of Assessment, confirming funding for a program of study. The appellant also submitted documents which further confirmed he is enrolled as a full-time student in a funded program of studies for the study period of May 7, 2012 to February 14, 2013 and a student loan deposit of \$3324.95 going in to the appellant's bank account on May 6, 2012.

## PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the ministry decision to deny the appellant income assistance as he is currently enrolled as a full time student in a funded program of study. Under Section 16 of Employment and Assistance Regulation, a person is not eligible for income assistance if he is enrolled as a full time student in a funded program.

Employment and Assistance Regulation: Section 1

full time student has the same meaning as in the Canada Student Financial Assistance Regulations (Canada);

funded program of studies, means a program of studies for which student financial assistance may be provided to a student enrolled in it;

student financial assistance means funding provided to students under the *Canada Student Financial Assistance Act* (Canada);

Employment and Assistance Regulation Section 16

Effect of family unit including full-time student

**16** (1) A family unit is not eligible for income assistance for the period described in subsection (2) if an applicant or a recipient is enrolled as a full-time student

(a) in a funded program of studies, or

(b) in an unfunded program of studies without the prior approval of the minister.

(2) The period referred to in subsection (1)

(a) extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams in the relevant program of studies are held, and

(b) is not longer than one year.

[am. B.C. Reg. 284/2003.]

The ministry position is that the appellant is not eligible for income assistance. The documentation provided by the appellant to the ministry confirms he is a full time student in a funded program of study and so is ineligible for income assistance. This ineligibility extends from the first day of the month following the month in which classes commence, June 2012, and continues until the last day of the month in which exams in the relevant program of studies are held, February 28, 2013.

The appellant confirms he is a full time student in a funded program of study. He states that he is going to school full time but the student loan does not provide enough funding for him to pay rent and survive.

The panel finds that the documentation provided by the appellant confirms that he is a full time student in a funded program of study and that he is eligible to receive a student loan in the amount of \$9524.00. The student loan is comprised of \$5714.00 Canada Student Loan and \$3810.00 British Columbia Student Loan.

The panel finds the ministry decision to deny the appellant income assistance from the first day of the month following the month in which classes commence, June 2012 and continuing until the last day of the month in which exams in the relevant program of studies are held, February 2013 because the appellant is enrolled as a full time student in a funded program of study is reasonably supported by the evidence and is a reasonable application of the legislation, EAR Section 1 and EAR Section 16. The panel confirms the ministry decision.