

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (ministry) reconsideration decision dated July 25, 2012, which held that the appellant is not eligible for income assistance due to failure to provide information required to determine her eligibility pursuant to Sections 10 of the *Employment and Assistance Act* (EAA) and Section 32 of the *Employment and Assistance Regulation* (EAR). The ministry determined that the appellant failed to provide information regarding deposit activities in her bank account and that she failed to provide contact information in order to confirm her information.

PART D – Relevant Legislation

Employment and Assistance Act – EAA – Section 10
Employment and Assistance Regulation – EAR – Section 32

PART E – Summary of Facts

The evidence before the ministry at the reconsideration decision included:

- Application for income assistance dated August 3, 2011;
- A letter from the ministry to the appellant dated June 8, 2012, requesting information of rent receipts, statements of all her bank accounts, statement for all investment, RRSP's, pension funds and any other assets,
- A letter from the ministry to the appellant dated June 19, 2012 informing the appellant that her July income assistance will be held until the information requested has been received;
- Request for reconsideration dated July 12, 2012 including copies of the appellant's bank account statement indicating deposits and withdrawals on September, 2011;
- An undated letter from the appellant to the ministry reporting an update to the status of her application for continuous income assistance;

The following evidence were before the ministry at the reconsideration decision in respect to the appellant's request for Persons With Disabilities (PWD) designation:

- An undated letter from the appellant to the ministry stating that the appellant is seeking advice;
- A letter from the appellant to the college of physicians and surgeons of B.C. dated July 21, 2011;
- A letter from the appellant to the ministry dated July 25, 2011 seeking persons with disabilities (PWD) designation;
- Employment plan dated August 3, 2011;
- A letter from the appellant to the ministry dated February 23, 2012 stating that she is still in need of assistance and is being treated for depression. The appellant further stated that she has difficulty finding a family doctor;
- An undated letter from the appellant to her physician;
- A letter from the appellant seeking advocacy group assistance for applying for PWD status.

The appellant in the request for reconsideration stated that the ministry missed the fact that the March rent was paid in part by the appellant and part by the ministry. The appellant submitted that all of her income assistance (\$610.00) did not have to be applied to rent. The appellant stated that the extra money was used to cover April's rent and her April GST cheque went to pay the rent for the month of May. The appellant further said that she received \$127.95 from her sister in December 2011 as a gift. The appellant stated that the ministry did not calculate her income correctly as she had \$610.00 monthly income assistance for the total of \$5,490.00, \$464.40 GST payment, \$160.00 from her sister in total, \$375.00 Hardship assistance for the total of \$6,489.44. The appellant submitted that she paid \$720.00 monthly rent for the total amount of \$6,480.00. The appellant also submitted her bank statement for September, 2011. The appellant submitted that she explained all of her debits and credits to the best of her knowledge and that there is no other explanation she could offer. The appellant further advanced an argument that the ministry was unfair and she should have been designated as PWD.

The appellant in the Notice of Appeal submitted that she was treated unfairly by the ministry and should have been designated PWD. The appellant submitted that the ministry violated her safety and security, and that the ministry untruthfully claimed that the appellant did not provide information requested. The appellant further submitted that the ministry has caused her hardship and great anxiety. The appellant submitted the following evidence with her Notice of Appeal:

- Health Insurance BC information;
- Transaction history of the appellant's two bank accounts September 2011 to May 2012;
- Rental agreement;
- Notices of income assistance deposit slips;
- Request for reconsideration;
- Copy of the appellant's MSP records;

- Copy of PWD patient portion filled out by an advocacy group;
- Copy of the appellant's birth certificate;
- Letter from the Ombudsman office;
- Refusal of CPP disability;
- Copy of the application for BC housing that was not completed due to not having a family doctor;
- Copies of letters to Social Services, College of Physician and the ministry.

The appellant and the ministry did not attend the hearing. After establishing that they had been informed of the hearing and waiting for 15 minutes, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation (EAR).

The panel accepts the copies of transaction history of the appellant's accounts that were provided by the appellant with her Notice of Appeal as being in support of the information before the ministry under Section 22(4) of the Employment and Assistance Act (EAA) and therefore admitted the transaction history from January 2012 to June 2012 into evidence.

The panel notes that the appellant in both request for reconsideration and the Notice of Appeal advanced an argument that she should have been designated PWD and submitted documents in support of her request. The panel does not have jurisdiction to address the appellant's request that she should be designated as PWD. This request was not part of the reconsideration decision and therefore does not form part of this appeal. The panel must determine whether the reconsideration decision being appealed is reasonably supported by the evidence or is a reasonable application of the applicable legislation in the circumstance of the appellant. Accordingly, the panel's jurisdiction is limited to reviewing the reasonableness of the reconsideration decision dated July 25, 2012.

The ministry, in the reconsideration decision stated that the appellant failed to provide documents in respect to her bank account activity. The ministry requested that the appellant provide information and explanation regarding the following deposits into her two accounts:

- 1- October 31, 2011 \$120;
- 2- November 23, 2011, \$63.87;
- 3- March 26, 2012, \$170;
- 4- April 30, 2012, \$110;
- 5- June 4, 2012, \$110;
- 6- December 30, 2011, \$120;

The ministry further stated that the appellant failed to provide contact information in order to verify that her ex-spouse was paying her BC Hydro and cellular phone costs and that her sister gave her money as a gift. As such, the ministry determined that the appellant is not eligible for income assistance until the requested information is provided.

The panel notes that the appellant provided transaction history on her bank accounts from September 2011 to May 2012 with her Notice of Appeal. The panel notes that based on information provided by the appellant, the following amounts were credited to the appellant's accounts in addition to the income assistance she received on a monthly basis:

- October 2011 - \$120.00 in one account and \$154.83 and \$10.00 in the other account;
- November 2011 - \$53.87
- January 2012 - \$127.95 and \$120.00 in one account and \$154.00 and \$17.00 in the other account;
- February 2012 - \$335 was credited to the account as being transferred from the appellant's other account;
- April 2012 - \$154.84;

- May 2012 - \$100.00.

The appellant in the request for reconsideration and the Notice of Appeal submitted that she has two accounts and that she was "juggling monies back and forth in the accounts to make sure that her rent and service charges were covered". The appellant further stated that she received \$160.00 as a gift from her sister. The appellant stated that there is a discretionary amount of \$257.03 which looked like extra money. The appellant stated that this amount was accounted for twice because she moved money from one account to another account.

The panel finds that:

- From October 31, 2011 to May 2012 the appellant received funds other than her income assistance that were deposited into her two bank accounts;
- The appellant failed to provide information regarding all of the deposit activities in her two bank accounts for October 2011 to May 2012;
- The appellant did not provide contact information in order to confirm her statement that her ex-spouse was paying some of her monthly expenses and that she received money from her sister as a gift.

PART F – Reasons for Panel Decision

The issue before the panel is the reasonableness of the ministry's reconsideration decision dated July 25, 2012, which held that the appellant is not eligible for income assistance due to failure to provide information regarding deposit activities in her bank account and that she failed to provide contact information in order to confirm her submission.

Pursuant to Section 10 of the *EAA* 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.

(5) If a dependent youth fails to comply with a direction under this section, the minister may reduce the amount of income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.

The ministry's position in the reconsideration decision is that the appellant failed to provide documents in respect to her bank account activity. The ministry further stated that the appellant failed to provide contact information in order to verify that her ex-spouse was paying her BC Hydro and cellular phone costs and that her sister gave her money as a gift. As such, the ministry determined that the appellant is not eligible for income assistance until the requested information is provided.

The appellant's position is that she has two accounts and that she was "juggling monies back and forth in the accounts to make sure that her rent and service charges were covered". The appellant further stated that she received \$160.00 as a gift from her sister. The appellant stated that there is a discretionary amount of \$257.03 which looked like extra money. The appellant stated that this amount was accounted for twice because she moved money from one account to another account.

Section 32 of the *EAR* deals with consequences of failing to provide information or verification when directed. Pursuant to Section 32(1) of the *EAR*, 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.

With respect to Section 10 of the EAA, 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. Based on the evidence, the panel finds that the appellant had additional funds, other than her income assistance, deposited to her account and did not provide sufficient information on all the deposit activities. Furthermore, the panel finds that the appellant failed to provide contact information to the ministry to confirm her claims about gifts she received from her sister and that her ex-spouse was paying some of her expenses. Accordingly, the panel finds that the ministry was reasonable in determining that the appellant failed to provide information it had reasonably requested pursuant to Section 10 of the EAA.

With respect to Section 32 of the EAR, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction. The panel notes that the appellant submitted account information; however, the panel finds that the appellant failed to provide documents indicating the source of all the deposits in her bank accounts and that the appellant did not provide contact information to the ministry. Accordingly, the panel finds that the ministry was reasonable in determining that the appellant was not eligible for income assistance until the requested information is provided.

The panel finds that the ministry's reconsideration decision was reasonably supported by the evidence and confirms the reconsideration decision.