

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development's (the "Ministry") November 20, 2012 reconsideration decision in which the Ministry determined, in accordance with section 16 of the Employment and Assistance Regulation, that because the Appellant is enrolled as a full-time student in a funded program of studies she is ineligible for assistance from November 1, 2012 to March 31, 2013.

PART D – Relevant Legislation

Employment and Assistance Act Section 4.

Employment and Assistance Regulation Sections 1 and 16.

PART E – Summary of Facts

The Appellant did not appear at the hearing. The Panel confirmed that the Appellant was notified of the hearing and then proceeded with the hearing under section 86(b) of the Employment and Assistance Regulation.

For its reconsideration decision the Ministry had the following evidence:

1. Information in its records that:

- The Appellant is a single mother with a two year old son. She has no employment obligations because her child is under the age of 3.
- On October 29, 2012, the Appellant submitted confirmation of full time school attendance in an Office Administration Program at a local college. Her attendance is required Monday to Thursday from 8:45 a.m. to 3 p.m. and later on Wednesdays.
- Letter dated September 26, 2012 from the college's academic/financial planner confirming that the Appellant was accepted into the Office Administration Certificate program, scheduled to run from October 1, 2012 to March 29, 2013. A proof of registration for the term was attached.
- Registration statement for the Appellant from the college indicating 6 courses, course schedules, instructors, start/end dates, credits and college registration charges.
- Letter received by the Ministry on October 16, 2012 from an employment and training society indicating that it will sponsor costs up to \$3,935.84 for the Appellant for the program from October 1, 2012 to April 1, 2012. That amount is to cover tuition fees, lab fees, student activity fees, supplies and transportation.

2. Written submission from the Appellant dated November 2, 2012 in which she wrote that she had no warning that she would be cut off social assistance. She stated that she was shocked that she was no longer eligible because she was not aware she could not go to school when receiving support. She wrote that she did not think it was any different from when she was getting her Grade 12. The Appellant stated that she has no money for rent or bills, and she has room-mates that are now in the hole because she did not get a warning that she would be cut off. The Appellant wrote that she has a son she needs to support and was depending on that check. Now her rent has not been paid, her bills are overdue and she has no money in her pocket for herself or her son. The Appellant also indicated that she did what the Ministry asked her to do; that is, apply for student loans. But she is not guaranteed to get it and it could take several weeks to a couple of months to find out if she will receive any. Her course is only to the end of March.

3. Reconsideration request from the Appellant with written statement dated November 8, 2012. The Appellant wrote that she was not aware that she could not go to school while receiving assistance. She found it no different from going for her Grade 12 because she is just going for a certificate. The Appellant stated that when she brought her course outline to the Ministry on September 26, 2012 she was not told that she could be cut off social assistance. The Appellant also stated she had no warning that she would be cut off. She is currently living with roommates and her rent for November has not been paid which puts her roommates in a bind. The Appellant indicated that her bills are overdue, messing up her credit and she had received an eviction notice. The Appellant wrote that she is taking the course to gain full-time employment with no support from the Ministry. The Appellant also wrote that she was told that with this course she was not classified as a full-time student. Now she was no means of supporting her son and herself.

Since the Appellant did not appear at the hearing, the Panel considered the two written statements she submitted to the Ministry as her position in this appeal.

At the hearing, the Ministry explained that because the Appellant has a two year old child she is not required to work or seek employment to be eligible for assistance. However, the Ministry submitted that because the Appellant is a full-time student she is not eligible for assistance under section 16 of the EAR. The Ministry also referred to the definition of full-time student set out in the Canada Student Financial Assistance Regulations. The Ministry pointed out that the registration statement in the record indicates that the Appellant is enrolled in six credit courses through the period for the program. Also, the Ministry indicated that on October 29, 2012, when the Appellant brought in confirmation of her enrollment, she was told that as a full-time student she would not be eligible for assistance.

The Panel makes the following findings of fact:

1. The Appellant is enrolled as a student in an Office Administration Program running from October 1, 2012 to March 29, 2013.
2. The course schedule consists of 6 courses requiring attendance from Monday to Thursday of each week.
3. The Appellant was approved for funding for the Office Administration Program beginning October 1, 2012 and ending April 1, 2012. The funding covered the costs of tuition, lab fees, student activity fees, supplies and transportation.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably determined, in accordance with section 16 of the EAR, that because the Appellant is enrolled as a full-time student in a funded program of studies she is ineligible for assistance from November 1, 2012 to March 31, 2013.

The following sections of the EAA apply to the Appellant's circumstances in this appeal:

Income assistance and supplements

4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

The following sections of the EAR apply to the Appellant's circumstances in this appeal:

Definitions

1(1) In this regulation:

"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);

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.

Canada Student Financial Assistance Regulations

"full-time student" means a person

(a) who, during a confirmed period within a period of studies, is enrolled in courses that constitute

(i) at least 40 per cent and less than 60 per cent of a course load recognized by the designated educational institution as constituting a full course load, in the case of a person who has a permanent disability and elects to be considered as a full-time student, or

(ii) at least 60 per cent of a course load recognized by the designated educational institution as constituting a full-time course load, in any other case,

(b) whose primary occupation during the confirmed periods within that period of studies is the pursuit of studies in those courses, and

(c) who meets the requirements of subsection 5(1) or 7(1) or section 33, as the case may be.

In its reconsideration decision, the Ministry indicated that it reviewed all the information it had about the Appellant's circumstances. It noted that the Appellant submitted confirmation of full-time attendance in the Office Administration Program at a local college, including her class schedule indicating that attendance is required Monday to Thursday from about 8:45 to 3:00 pm during those days. The Appellant also submitted a letter from a training society confirming sponsorship for her

program in the amount of \$3935.84. The Ministry also considered the written statements from the Appellant in which she stated that she was not aware that enrollment as a full-time student would make her ineligible for income assistance.

The Ministry cited section 16 of the EAR regarding a person's eligibility for income assistance while enrolled as a full-time student. The Ministry also reviewed the definitions of full-time student and funded program of studies in section 1 of the EAR. Based on the information it had and these definitions, the Ministry determined that the Office Administration Program, in which the Appellant is enrolled, is a fundable program of studies through Student Loans B.C. Therefore, it fits the Ministry's definition of a funded program of studies under section 1 of the EAR. The Ministry further determined that because the Appellant is enrolled in a funded program of studies, as a full-time student she is not eligible for income assistance from November 1, 2012 to March 31, 2013 in accordance with section 16(2) of the EAR.

The Appellant's position is that she had no warning and the Ministry never informed her that she would not be eligible for income assistance while she was enrolled in the Office Administration Program. She submitted that because she did not receive assistance she was not able to pay her rent, pay her bills or look after her son and herself. The Appellant also argued that she is not a full-time student. She is just going through a certification program.

The Panel finds that the Ministry considered all of the information provided by the Appellant and the college regarding her enrollment in the program; that is, information that the Appellant is enrolled in an Office Administration Program with 6 credit courses requiring attendance from Monday to Thursday. There is no information that the Appellant is not carrying a full course load for this program. Also, there is no information that she is working or engaged in any other pursuits for the period during which the courses run. Therefore, based on the evidence the Panel finds that for the purposes of section 16 of the EAR, the Ministry reasonably determined that the Appellant is a full-time student as defined by the Canada Student Financial Assistance Regulation.

The Panel further finds that there is evidence that the Appellant was approved for funding for the costs of the Office Administration Program, including the costs of tuition fees, lab fees, student activity fees, supplies and transportation. Therefore, based on this evidence, the Panel finds that the Ministry reasonably determined that the Appellant is enrolled as a full-time student in a funded program of studies as defined in section 16(1)(a) of the EAR.

Finally, the Panel finds that the evidence in the record indicates that the Office Administration Program in which the Appellant is enrolled runs from October 1, 2012 to March 29, 2013. Therefore, based on the evidence, the Panel finds that the Ministry reasonably determined that the Appellant was not eligible for income assistance from November 1, 2012 through March 31, 2013 in accordance with section 16(2) of the EAR.

In conclusion, the Panel confirms the Ministry's reconsideration decision because it was reasonably supported by the evidence and was a reasonable application of the applicable enactments.