

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development's (the "Ministry") February 1, 2013 reconsideration decision denying the Appellant income assistance because she did not demonstrate that she made reasonable efforts to comply with conditions in her employment plan to go to appointments with the employment contractor and because she did not provide information about any medical reasons preventing her from complying with such conditions, as required by section 9 of the Employment and Assistance Act.

PART D – Relevant Legislation

Employment and Assistance Act ("EAA") Section 9.

PART E – Summary of Facts

For its reconsideration the Ministry had the following evidence:

1. Employment plan signed by the Appellant on December 8, 2011 with conditions, including requirements to fully participate in employment programs with the specified employment contractor and as directed by the contractor, attend meetings for assessment for employment services and notify the contractor any time she is unable to attend programs or meetings.
2. Information from the Ministry's records indicating that:
 - The Appellant is an employable recipient of income assistance with one child.
 - It sent the Appellant a letter on June 15, 2012 advising that a review of her employment plan was required because the contractor advised that she was not attending her appointments. She was required to be actively seeking employment and attend the contractor's appointments.
 - On June 29, 2012, the Ministry advised the Appellant in person of the importance of attending appointments with the contractor and failing to do so might make her ineligible for assistance.
 - On September 6, 2012, the contractor advised the Ministry that the Appellant again missed appointments and was not following through with anything.
 - The contractor referred the Appellant to a training service from October to December 2012 and informed her to continue her contact with the contractor while at the training service.
 - On December 12, 2012, the contractor called the Appellant asking her to contact them; she did not respond.
 - On December 20, 2012, the contractor emailed the Appellant asking her to contact them; she did not respond.
 - On January 14, 2013, the contractor advised the Ministry that the Appellant had no contact with them since before attending the training service and the contractor returned the Appellant's file to the Ministry.
 - On January 23, 2012, the Ministry denied the Appellant income assistance for failing to comply with the conditions of her employment plan because she failed to contact the contractor and go to appointments. The Appellant stated that she did not think it was a big deal.
3. Appellant's request for reconsideration dated January 28, 2013 in which she wrote that she was not aware that after she attended the training course she had to go back to the employment contractor for more appointments. She stated that she applied to work at several places and is having no luck. She has a four year old child she is trying to support.

In her notice of appeal dated February 12, 2013, the Appellant wrote that she has a terrible memory and she always has had. She missed appointments with the employment contractor. Then she arranged to have her mother phone and remind her. She stated that the contractor arranged for her to go to a program that offered cashier training and other employment skills. The Appellant indicated that she thought that the program was part of her employment plan and visits to the contractor.

At the hearing, the Appellant acknowledged that she could not really argue with the Ministry's reconsideration decision and that everything in there was true. The Appellant also stated that she did miss a bunch of appointments even before the training session began and it was her fault for missing those appointments.

The Panel finds that the Appellant's statements in her notice of appeal and at the hearing provide

details about her reason for missing appointments with the contractor. Therefore, the Panel admits those statements, pursuant to section 22(4) of the EAA, as being in support of the evidence that was before the Ministry at reconsideration.

At the hearing, the Ministry reviewed the evidence and relied on its reconsideration decision.

The Panel makes the following findings of fact which are not in dispute:

1. The Appellant signed an employment plan requiring her to attend appointments and assessments with the employment contractor, and to maintain contact with that contractor.
2. The Appellant did not attend such appointments and did not contact the contractor advising that she would be missing appointments.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably denied the Appellant income assistance because she did not demonstrate that she made reasonable efforts to comply with conditions in her employment plan to go to appointments with the employment contractor and because she did not provide information about any medical reasons preventing her from complying with such conditions, as required by section 9 of the EAA.

Applicable Legislation

Section 9 of the EAA sets out the requirements for employment plans and the following sections apply to the Appellant's circumstances and to this appeal:

- 9(1) For a family unit to be eligible for income assistance or hardship assistance, each applicant or recipient in the family unit, when required to do so by the minister, must
- (a) enter into an employment plan, and (b) comply with the conditions in the employment plan.
- (3) The minister may specify the condition in an employment plan including, without limitation, a condition requiring the applicant, recipient or dependent youth to participate in a specific employment-related program, that in the minister's opinion, will assist the applicant, recipient or dependent youth to (a) find employment, or (b) become more employable.
- (4) If an employment plan includes a condition requiring an applicant, a recipient or a dependent youth to participate in a specific employment-related program, that condition is not met if the person (a) fails to demonstrate reasonable efforts to participate in the program, or (b) ceases, except for medical reasons, to participate in the program.

The Parties' Positions

The Appellant's acknowledged that she did miss appointments with the contractor and it was her fault that she missed them. The Appellant also admitted that all of the information in the Ministry's reconsideration decision is true.

The Ministry's position is that by signing the employment plan, the Appellant confirmed that she read, understood and agreed to the conditions of that plan. In addition, the Ministry advised the Appellant in writing and in person about the importance of complying with the conditions and of maintaining contact with the employment contractor. The Ministry found that the Appellant did not go to the required appointments and she did not supply any medical documentation to indicate that she suffers from any medical issues that would prevent her from going to the appointments. Therefore, the Ministry found that the Appellant did not demonstrate that she made a reasonable effort to comply with the conditions of her employment or that she had any medical reasons for not complying. So, in accordance with section 9 of the EAA, the Ministry decided that the Appellant was not eligible for assistance.

The Panel's Findings

The Panel finds that there is no dispute about the evidence. The Appellant was required to attend appointments with the employment contractor. She admitted that she missed appointments due to her own fault. The Appellant also provided no information about any mitigating circumstances or medical reasons for not complying with the conditions of her employment plan. Therefore, based on

the evidence the Panel finds that the Ministry reasonably determined that the Appellant did not demonstrate reasonable efforts to participate in contractor's program nor did she provide medical reasons for not complying. And further, in accordance with section 9 of the EAA, the Ministry reasonably determined that the Appellant was not eligible for income assistance.

Conclusion

For the reasons stated above, 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 in the Appellant's circumstances.