

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (ministry) reconsideration decision dated January 18, 2013, which held that the appellant was not eligible for income assistance because he failed to comply with the terms and conditions of his employment plan (EP) pursuant to Section 9 of the *Employment and Assistance Act (EAA)*. The ministry determined that the appellant is not eligible for income assistance because he did not demonstrate a reasonable effort to participate in the employment program and did not provide information to establish that he had a medical condition that prevented him from participating in his EP.

PART D – Relevant Legislation

Employment and Assistance Act – EAA – Sections 9 (1) 9 (3) and 9 (4)

PART E – Summary of Facts

The evidence before the ministry at the time of the reconsideration decision consisted of:

1. The Employment Plan (EP) signed by the appellant on September 6, 2012. The terms of the EP included provisions requiring the appellant to make an appointment with the service provider for an intake assessment, attend the program regularly as specified by the service provider, contact the service provider to make an appointment within five days to complete intake, participate in the program fully and to his best of the ability, and notify the service provider if, for any reason, he is unable to attend.

2- A letter from the appellant to the ministry dated November 5, 2012 stating that he did not attend his appointment with the service provider because he was in another city at the time and did not have any transfer to go back home. The appellant further stated that he was also working on finding a school to attend in order to continue his education.

3. Request for reconsideration decision dated January 8, 2013.

In the request for reconsideration the appellant stated that he was unable to participate in his EP because he was not able to budget for bus fare to attend the program. The appellant stated that he called the service provider to let them know he was unable to attend as he was staying with a family in another city. The appellant said that "I was in care of the ministry but the place they suggested to reside was newly painted and I could not stay there and as a result I was no longer on a youth agreement with the ministry".

In the Notice of Appeal, the appellant stated that he only missed a few appointments with the service provider and he is fully committed to "do everything that is needed". The appellant stated that he is 18 years of age and he was in the care of the ministry prior to turning 18 years old.

At the hearing, the appellant stated that he was going through depression and "I had a cold". The appellant said he did call the service provider informing them that he was sick and unable to attend. When it was brought to his attention that in the request for reconsideration and the Notice of the Appeal he did not mention that he was unable to participate in his EP because of illness, the appellant said that he missed 4 appointments. The first one was because he was ill, following by being in another city and not being able to pay for the transit. The appellant said that he attended the initial interview but did not go to any other appointments.

The appellant said that he is going to school and is looking for a job. He has moved to another city and he will provide his new address to the ministry's office in this city.

The ministry stated that the reconsideration decision is reasonable as the ministry staff reviewed the EP with the appellant, provided information and made sure that the appellant understood all the requirements. The ministry further stated that the appellant attended the initial interview with the service provider; however, he failed to attend the follow up meetings. The ministry further submitted that there is no evidence before the ministry stating that the appellant did not participate in his EP due to illness.

The panel finds that:

- The appellant signed the EP on September 6, 2012;
- Required activities were that the appellant contact the service provider to complete intake, participate in the program fully and to the best of his ability, attend review appointments as required by the ministry caseworker and/or service provider and notify the service provider if, for any reason, he was unable to attend the program.

PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry reasonably concluded that the appellant did not comply with the conditions of his EP, by failing to demonstrate reasonable efforts to participate in his employment program through non attendance and failure to participate in the service provider's program.

Section 9(1) of the EAA provides that, when the ministry requires, a person must enter into an EP and comply with the conditions in the EP in order to be eligible for income assistance.

Pursuant to Section 9(3) of the EAA, the ministry has the authority to specify conditions in an EP, including a requirement that the person participate in an employment-related program.

Section 9(4) of the EAA states that if an EP includes a condition requiring a person to participate in a specific employment-related program, that condition is not met if the person fails to demonstrate reasonable efforts to participate in the program or if the person ceases, except for medical reasons, to participate in the program.

The ministry's position is that the appellant entered into an EP on September 6, 2012. The appellant was referred to an employment-related program, in which he was required to participate. The ministry stated that the appellant did not comply with the conditions of the EP and did not demonstrate reasonable efforts to participate in the program.

The ministry argued that the appellant did not notify the ministry of any changes in his circumstances and did not submit any evidence confirming that he was unable to participate in the EP due to illness.

The appellant submitted that he contacted the service provider and had his initial interview. The appellant stated that he was ill and was living in another city. He did not have any funds to pay for his transit and as a result he was unable to participate in his EP. The appellant argued that he contacted the service provider when he could not attend his first meeting.

In this case, the panel finds that:

- The appellant contacted the service provider and attended the interview to discuss registering in their program;
- The appellant made an appointment for intake which he failed to attend;
- The appellant contacted the service provider for a follow up meeting; however, he did not attend any of the follow up meetings;
- There is no supporting evidence indicating that the appellant was unable to participate in his EP due to illness.

The panel finds that the ministry reasonably determined that the appellant failed to comply with the conditions of his EP by failing to fully participate in the service provider's programs. The appellant did not attend the follow up appointments. Although the appellant stated that he went to the service provider, he did not provide any reasonable explanation for not making a follow up appointment to complete the intake process or informing the ministry of his situation nor has the appellant provided substantiating evidence that illness prevented his attendance. Therefore, the panel finds that the ministry reasonably concluded that the appellant failed to demonstrate reasonable efforts to participate in the employment program and was not in compliance with the conditions of his employment plan.

The Panel finds that the ministry's decision denying the appellant income assistance was a reasonable application of the applicable legislation in the circumstances of the appellant, and therefore, confirms the decision.