

### PART C – Decision under Appeal

The decision under appeal is the Ministry's reconsideration decision dated January 4, 2013, finding the Appellant ineligible for retroactive income assistance as a person with persistent multiple barriers (PPMB) in accordance with section 26(3) of the Employment and Assistance Regulation (EAR).

### PART D – Relevant Legislation

The relevant legislation is the EAR section 26(3).

**PART E – Summary of Facts**

The Appellant initiated his application for the PPMB designation in August 2012. Due to a number of reported circumstances -- such as the Appellant's mail being delivered late by his landlord, his missing at least one doctor's appointment due to transportation issues, his doctor being on holiday -- the Appellant was not able to submit his completed application to the Ministry until October 2012. The Appellant was approved for PPMB designation on October 11, 2012 and began receiving assistance as of November 1, 2012.

## PART F – Reasons for Panel Decision

The decision under appeal is the reasonableness of the Ministry's reconsideration decision dated January 4, 2013, finding the Appellant ineligible for retroactive income assistance as a PPMB in accordance with section 26(3) of the EAR.

The relevant legislation is the EAR section 26(3):

### **Effective date of eligibility**

**26**

...

(3) If a family unit includes a person who qualifies as a person who has persistent multiple barriers to employment, the family unit becomes eligible to receive income assistance at the rate specified under Schedule A for a family unit that matches that family unit on the first day of the month after the month in which the minister determines that the person qualifies as a person who has persistent multiple barriers to employment.

The position of the Appellant is that the Ministry should exercise its discretion to backdate the PPMB recognizing that the circumstances that caused his application to be delayed were beyond his control. The Ministry's position is that it is bound by the legislation in this matter and does not have any discretion to backdate the Appellant's PPMB.

While the panel sympathizes with the difficulties the Appellant had in assembling his application for PPMB designation, the legislation clearly states that eligibility for income assistance of a PPMB applicant begins on the first day of the month after the month in which the minister determines that the person qualifies for PPMB. As the minister's determination in this case was made in October 2012, the Appellant became eligible for income assistance as a PPMB on November 1, 2012.

There are no provisions for retroactive PPMB or income assistance payments in this situation.

Accordingly, the Panel finds that the Ministry's determination that the Appellant is not eligible to receive retroactive income assistance as a PPMB was a reasonable application of the applicable legislation.

Accordingly, the Panel confirms the Ministry's decision.