

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (the ministry's) reconsideration decision dated March 7, 2013 which held that the appellant is not eligible for income assistance pursuant to Section 16 of the Employment and Assistance Regulation (EAR) since she is enrolled as a full-time student in a funded program of studies.

## PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), Section 1- Definitions and Section 16.

Canada Student Financial Assistance Regulations (CSFAR), Section 2 - Definitions

## PART E – Summary of Facts

The evidence before the ministry at reconsideration comprised:

- Application for Income Assistance Part 1 and Part 2 completed by the appellant on October 1, 2012;
- Monthly reports completed by the appellant for November and December 2012 and January and February 2013;
- Course Registration confirmation for a program with a start date on October 1, 2012 and an end date of September 22, 2013;
- Notification of Assessment dated September 10, 2012; and a
- Request for Reconsideration dated February 27, 2013.

The application for income assistance was signed by the appellant on October 1, 2012 to acknowledge that she understood her rights, responsibilities, reporting obligations and requirement for 3<sup>rd</sup> part checks.

The first 3 monthly reports indicated that the appellant was still in need of assistance and looking for work. In response to whether or not the appellant was attending school/training, the appellant reported no. The last monthly report for February, 2013 was completed with the same details as the preceding 3 months, although it did not indicate a response to whether or not the appellant was attending school/training.

The course confirmation provides the dates that the appellant would be required to attend to complete the program and gain the diploma as follows: Fall (October 1- December 23, 2012), Winter (January 7- March 24, 2013), Spring (April 8- June 23, 2013) and Summer (July 8- September 22, 2013). Additionally, it is stated that the appellant is registered to a full course load of 15 credits for the Winter quarter.

The Notification of Assessment indicates that the appellant was eligible to receive \$26,520 in student loans and had been issued \$17,370 to date. It also indicates that the appellant had an unmet need; the difference between education costs, the resources declared and the amount of funding from student loans, of \$26,435. The total cost of her education is \$53,030. The disbursements of funding were listed as follows: October 1, 2012- \$1,500 and \$1,809, March 28, 2013- \$11,760 and \$1,500.

At the hearing, the appellant testified that she needs money, has a disabled son and hopes to better their lives by completing the education program. She states that she works a couple hours a day which helps pay for her bus pass. The appellant testified that the money from her student loan goes directly to the school and she needs money to live and look after her child. She added that she didn't realize how expensive the schooling was when she applied and that she does like the program.

No additional evidence was provided by the ministry on appeal.

### Finding of Facts

1. The appellant is a single parent attending a funded program of studies.
2. As of September 10, 2012, the appellant had received \$17,370 in student loans.

3. The appellant applied for income assistance on October 1 and was approved on October 2, 2012.
4. For the winter quarter of January 7- March 24, 2013, the appellant is registered for a full course load of 15 credits.

## PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry reasonably determined that the appellant is not eligible for income assistance since she is enrolled as a full-time student in a funded program of studies.

### Relevant Legislation

#### EAR Definitions

"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)

#### CSFAR Definitions

"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.

### EAR

#### 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.

The ministry's position is that the appellant's program is a fundable program of studies as financial assistance is available through student loans and that the appellant is eligible to receive \$26,520 for this program is confirmed; therefore, fitting the ministry's definition of a funded program of studies.

The ministry also determined that the appellant is enrolled as a full-time student as she has a full course load of 15 credits which constitutes 100% of the course load for the specific program as confirmed by the Registrar. Therefore, the ministry has concluded that the appellant hasn't been and is not eligible for income assistance from the period of November 1, 2012 to September 30, 2013.

The appellant's position is that she needs money to live, works only a few hours a week has one dependent child to care for and requires help with rent.

The panel finds that effective October 1, 2012, the appellant was in receipt of income assistance as a single employable parent and that she was also enrolled as a full-time student in a funded program of studies which runs from October 1, 2012 to September 22, 2013. The panel finds that the evidence indicates that the appellant did not disclose that she was attending school when she completed her monthly reports for income assistance. The panel also finds that the appellant is approved for a student loan totaling \$26,520 from which \$17,370 had been issued as of September 10, 2012. In view of the above, the panel finds that the ministry reasonably determined that the appellant was not eligible for income assistance as a full-time student enrolled in a fundable program of studies pursuant to Section 16 of the Employment Assistance Regulation.

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