

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development's (ministry) reconsideration decision dated January 14, 2013 which found that the appellant was ineligible for income assistance pursuant to section 10(4) of the *Employment and Assistance Act* (EAA) as she failed to provide the requested documentation of bank statements, details of non-government transfers and deposits, and the history of her student loan as requested by the ministry pursuant to section 10(2) of the EAA.

PART D – Relevant Legislation

Employment and Assistance Act (EAA), section 10

PART E – Summary of Facts

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

- 1) The appellant's Request for Reconsideration (RFR) dated December 28, 2012 in which the appellant states that she was asked by an investigator to provide documents but was told not to worry about the student loan papers as she was waiting for them in the mail. The appellant states that she provided her bank statements as requested including an explanation of the bank transfers and documentation confirming her student loan debt. The appellant states by providing the documentation she did, the ministry released her December income assistance cheque and she did not realize that she needed to provide further documentation. The appellant states that she has brought in the requested paperwork numerous times and was advised that her file would not be closed.
- 2) Monthly Invoice dated October 25, 2012 indicating that the appellant's student loan balance is \$18,975.82.
- 3) Letter from the ministry to the appellant dated September 24, 2012 requesting documentation including pay statements, record of employment, statements from all bank accounts, statements of all investments, income tax notice of assessment for 2011 and copies of receipt books for work as a hairdresser. The letter requests that the appellant provide the documentation by October 10, 2012.
- 4) Letter from the ministry to the appellant dated October 11, 2012 requesting documentation including pay statements, record of employment, statements from all bank accounts, statements of all investments, income tax notice of assessment for 2011 and copies of receipt books for work as a hairdresser. The letter requests that the appellant provide the documentation by October 31, 2012, otherwise the ministry may not be able to determine the appellant's eligibility for income assistance.
- 5) Letter from the ministry to the appellant dated October 30, 2012 advising the appellant that as she has not provided statements for all bank accounts from March 1, 2012 to September 24, 2012, bank profile, explanation of non-government deposits and transfer of money, explanation of rent payments and student loan information, she is no longer eligible for income assistance and her file will be closed on December 3, 2012
- 6) 2011 Notice of Assessment;
- 7) Bank Profile dated November 16, 2012 with attached printout of the appellant's accounts (67 pages)
- 8) Handwritten note from the appellant dated November 2012 stating that the only non government and transfers that she might have in her account was from a loan that she took out from her child tax and reloaned.
- 9) Handwritten note from the appellant, undated, indicating that she was still waiting for mail from student loans, and advising that she is not enrolled in any course.

- 10) Handwritten letter from the appellant dated November 14, 2012 stating that she has given her mother access to her bank card so that her mother could pay her rent in the amount of \$650. The appellant states that she had the basement of her mother's rental which is why her mother signs her rent receipts. The appellant states that she provided that information to the ministry six months ago and spoke to a ministry representative about that in April 2012.
- 11) Handwritten notes from the appellant dated October 26, 2012 stating that she cannot provide pay statements, pay stubs or receipt books because she has not worked, that she has requested information regarding her student loans, and that she cannot provide statements for investments because she does not have any.
- 12) Handwritten notes from the appellant dated October 27, 2013 indicating that she cannot provide a record of employment for March 1 to September 24, 2012 because she has not been employed. The appellant also advises that she does not have receipt books for self-employed work as a hairdresser because she did not go through with the job.
- 13) Handwritten note, undated, from the appellant's mother stating that the appellant has her two children with her full time.
- 14) Copies of the appellant's rent receipts in the amount of \$650 dated June 1, July 1 and August 1, 2012.
- 15) Shelter Information dated February 3, 2012.
- 16) Copies of the appellant's rent receipts in the amount of \$1,000 dated September 15, 2012, October and November 2012.
- 17) Shelter Information dated September 5, 2012.

In her Notice of Appeal, the appellant states that she has provided the ministry with all of the requested documentation, and that she disagrees with the ministry's decision and her file should be open.

The appellant did not attend the hearing. Having confirmed that the appellant was notified of the hearing, the panel proceeded with the hearing pursuant to the Employment and Assistance Regulation section 86(b).

The Ministry relied on its reconsideration decision, stating that the appellant was found ineligible for income assistance as she did not provide the requested records. In particular, the ministry states that the appellant has not provided the requested bank statements for one of her bank accounts for the period March 1, 2012 to May 23, 2012, details for all non-government deposits and transfers, and details concerning the history of her student loan.

PART F – Reasons for Panel Decision

The issue on appeal is whether the Ministry reasonably concluded that the appellant is not eligible for income assistance pursuant to section 10(2) of the EAA for failing to provide the requested documentation of her bank statements from a bank account for the period March 1 to May 23, 2012, details for all non-government deposits and transfers, and details concerning the history of her student loan as requested pursuant to section 10(4) of the EAA.

The relevant sections of the EAA are as follows:

Section 10 - Information and verification

10. (1) For the purposes of

- (a) determining whether a person wanting to apply for income assistance or hardship assistance is eligible to apply for it,
 - (b) determining or auditing eligibility for income assistance, hardship assistance or a supplement,
 - (c) assessing employability and skills for the purposes of an employment plan, or
 - (d) assessing compliance with the conditions of an employment plan,
- the minister may do one or more of the following:
- (e) direct a person referred to in paragraph (a), an applicant or a recipient to supply the minister with information within the time and in the manner specified by the minister;
 - (f) seek verification of any information supplied to the minister by a person referred to in paragraph (a), an applicant or a recipient;
 - (g) direct a person referred to in paragraph (a), an applicant or a recipient to supply verification of any information he or she supplied to the minister.

(2) The minister may direct an applicant or a recipient to supply verification of information received by the minister if that information relates to the eligibility of the family unit for income assistance, hardship assistance or a supplement.

(3) Subsection (1) (e) to (g) applies with respect to a dependent youth for a purpose referred to in subsection (1) (c) or (d).

(4) If an applicant or a recipient fails to comply with a direction under this section, the minister may declare the family unit ineligible for income assistance, hardship assistance or a supplement for the prescribed period.

The appellant's position is that she has provided all of the requested documentation and that she should be found eligible for income assistance. The appellant states that she has provided her bank statements as requested. With respect to her student loan history, in her handwritten note, undated, she states that she was still waiting for mail from student loans and then in the RFR she states that she was told she would not need to provide further student loan documentation. In her letter dated November 2012, the appellant states that the only non government deposits and transfers relate to a loan she took out from her child tax and re-loaned.

The ministry's position is that by letters dated September 24 and October 11, 2012, the ministry requested that the appellant provide documentation pursuant to section 10(2) of the EAA in order to determine her eligibility for income assistance but the appellant failed to provide the requested documentation. In particular, the ministry notes that the appellant provided a printout dated November 20 covering transactions from May 23 to September

24, 2012 and bank statement pages printed October 12, 2012 covering transactions for September 24 to October 9, 2012, the appellant has not provided statements for the requested period of March 1, 2012 to May 23, 2012.

The ministry also argues that the appellant failed to provide details of all non-government bank transfers and deposits, and details concerning the history of her student loans as required. The ministry notes that while the appellant provided some notations regarding some deposits and transfers, she did not provide specific descriptions for all non-government deposits and transfers.

The ministry also argues that although the appellant provided a monthly invoice showing the current balance owing on her student loan, she has not provided any documents to establish when the loan was issued to her.

The ministry's position is that as the appellant has not provided the requested documentation she is not eligible for income assistance pursuant to section 10(4) of the EAA.

Panel Decision

The panel finds that the appellant did provide a variety of bank statements in response to the ministry's request for information. The panel finds that the appellant did provide bank statements for one bank account for the period May 23 to October 9, 2012, but she did not provide the bank statements for that same account for the period March 1, 2012 through May 23, 2012 as requested by the ministry pursuant to section 10(2) of the EAA. The panel notes that the printout dated November 20, 2012 indicates that it covers transactions from March 1, 2012 through September 24, 2012 but that there are no entries for the period of March 1 through May 22, 2012. The panel notes that the appellant did provide statements for another bank account for the period of March 1, 2012 through May 23, 2012 but not for the account that the ministry requested.

The bank statements provided by the appellant do indicate that she provided some explanations for some of the unidentified bank deposits and transfers. However, there are many deposits and transfers for which no explanation was provided, including but not limited to the following: deposit March 2, 2012 for \$100; transfer March 20, 2012 for \$20; deposit on June 27, 2012 for \$180; deposit July 4, 2012 for \$50; and a return stop payment on July 24, 2012 for \$213.88; and ATM deposit September 17, 2012 for \$80. The panel finds that the appellant did not provide the details for all of her non-government transfers and deposits as requested by the ministry pursuant to section 10(2) of the EAA.

The panel finds that although the appellant provided a monthly invoice dated October 25, 2012 indicating her student loan balance owing and provided a note indicating that she was not enrolled in any course, the appellant did not provide the details of her student loan history to confirm when the loan was issued to her. Although the appellant states that she was told not to worry about her student loan documents and was told that her file would not be closed, the appellant has not provided any further information indicating which ministry representative gave her this information. The panel finds the letters from the ministry to the appellant dated September 24 and October 11, 2012 clearly request the student loan and other documentation and that their letter dated October 30, 2012 clearly indicates that her file would be closed as of December 3, 2012 if the requested information and documentation was not provided.

The panel finds that as the appellant did not provide the requested bank statements, the details of her non-government unidentified bank deposits and transfers, or details of her student loan history, the Ministry's decision that the appellant was ineligible for income assistance pursuant to section 10(4) of the EAA for failing to provide documentation as requested pursuant to 10(2) of the EAA was reasonable based on the evidence and is a reasonable application of the legislation in the appellant's circumstances.

Therefore, the panel confirms the ministry's decision.