

### PART C – Decision under Appeal

The decision under appeal is the reconsideration decision by the Ministry of Social Development (the ministry) dated 21 January 2013 which determined that the appellant was not eligible for a proof of identity supplement under section 53 of the Employment and Assistance for Persons with Disabilities Regulation. The ministry held that under the legislation a proof of identity supplement may only be provided to a person who is eligible for hardship assistance to cover the cost of obtaining proof of identity of the person if it is required for the person to be eligible for disability assistance. As the appellant is in receipt of disability assistance, (1) under section 6 of the Employment and Assistance for Persons with Disabilities Act she is not eligible for hardship assistance and (2) proof of identification is not required by the ministry.

### PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA) – section 6.  
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) – section 53.

## PART E – Summary of Facts

The evidence before the ministry includes the following:

1. From the ministry's files:

- The appellant is currently receiving disability assistance as a sole recipient.
- The ministry has on file a copy of the appellant BC Drivers Licence and her birth certificate.

2. From the appellant's original request dated 15 November 2012:

- The appellant's request is for a supplement to cover the cost of a birth certificate or picture ID so she can renew her BC Drivers Licence. She states that the one she had was lost in a fire. She attaches a copy of a temporary licence issued on 27 September 2012 and which will expire on 27 November 2012. She states that she has already paid \$75 to apply for a new licence. Without further original documentation, the licensing authorities will not issue the licence, but not return the money to her. The balance of her request goes to argument.

3. From the appellant's Request for Reconsideration dated 07 January 2013:

- Under Reasons, the appellant reviews the same background and requests information for additional supplements. The balance of her submission goes to argument.

In her Notice of Appeal dated 29 Jan 2013, the appellant again reviews the background to her request, explaining that 2 fires took all she owned. Despite being unexpected, she never received any help replacing items lost. She states that she needs her drivers licence so she can do volunteer work and so be eligible for a volunteer supplement.

At the hearing, the appellant presented her argument for the supplement (see Part F). She stated that she needs "primary ID", particularly a birth certificate, in order to be issued a drivers licence. She needs photo ID, preferably a drivers licence so she is able to drive and do volunteer work, for such other things as cashing a cheque or applying for a library card. Her second temporary drivers licence has expired.

The ministry stood by its position at reconsideration. The ministry suggested that the appellant explore the possibility of replacing her Care Card with the new photo Care Card.

The panel finds as fact that the appellant is a recipient of disability assistance.

## PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry reasonably determined that the appellant was not eligible for a proof of identity supplement under section 53 of the EAPWDR. The ministry held that under the legislation an identification supplement may only be provided to a person who is eligible for hardship assistance to cover the cost of obtaining proof of identity of the person if is required for the person to be eligible for disability assistance. As the appellant is in receipt of disability assistance, (1) under section 6 of the Employment and Assistance for Persons with Disabilities Act she is not eligible for hardship assistance and (2) proof of identification is not required by the ministry.

The relevant legislation is from the EAPWDA:

### **Hardship assistance**

6 (1) Subject to the regulations, the minister may provide hardship assistance to or for a family unit that

- (a) is eligible for it, and
- (b) is not eligible for disability assistance.

And from the EAPWDR:

### **Supplement to obtain proof of identity**

53 The minister may provide a supplement to or for a family unit that is eligible for hardship assistance to cover the cost of obtaining proof of the identity of a person in the family unit that is required for the family unit to be eligible for disability assistance.

The position of the ministry is that the appellant does not meet the eligibility criteria for a proof of identity supplement.

The position of the appellant is that, as a recipient of disability assistance, she is effectively a dependant of the ministry. As is the case of a child dependent on a parent, it is the duty of the parent to provide for the basic needs of the child. In her situation, it is the responsibility of the ministry to meet her basic needs, such as the means to obtain photo ID or a drivers licence.

The panel notes that the applicable legislation limits the ministry's authority to provide a proof of identity supplement to a person in a specific circumstance: the person must be a eligible for hardship assistance and must require proof of identity to become eligible for disability assistance. As the appellant is a recipient of disability assistance, and therefore not eligible for hardship assistance, the panel finds that the ministry's determination that the appellant was not eligible for the supplement was a reasonable application of the legislation in the circumstances of the appellant. The panel therefore confirms the ministry's decision.