

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (Ministry)'s reconsideration decision dated May 9, 2013, finding the Appellant is not eligible to receive income assistance as she has failed to provide information required by the Minister in accordance with section 10 of the Employment and Assistance for Persons with Disabilities Act (EAPDA).

PART D – Relevant Legislation

The relevant legislation is section 10 of the EAPDA.

PART E – Summary of Facts

The Appellant is in receipt of income assistance as a person with disabilities. On March 1, 2013 the Ministry mailed to the Appellant a letter requiring her to provide the Ministry with certain information regarding her shelter costs and income and asset levels by March 15. On March 26, not having received the required information from the Appellant, the Ministry issued a second letter to the Appellant with a deadline of April 9. On April 16, not having received a response to this second letter, the Ministry mailed to the Appellant a letter advising her that because she had not provided the required information she was no longer eligible to receive assistance and her file would be closed May 31.

The Appellant requested a reconsideration of the decision on April 29. She stated in her request that she had not responded to the letters because the key to her post box had been stolen along with her purse some time in March and she did not obtain a replacement key until after the April 16 letter was issued. She also stated that she had the required information available to the Ministry, although that information was not before the Ministry at the time of the reconsideration decision, nor has it yet been provided to the Ministry as of the date of this hearing.

At the appeal hearing the Appellant stated that she had tried to provide the Ministry with the required information at the time she submitted her request for reconsideration, but the Ministry worker she spoke with refused to accept it.

At the hearing the Appellant stated that she did not report the theft of her purse to the police and that she did not check her mail regularly. When asked, the Ministry representative stated that there was no record of the Ministry attempting to contact the Appellant by phone; however, the Appellant stated that she considers that her phone was disconnected during this period in any case.

PART F – Reasons for Panel Decision

The issue under appeal is the Ministry's reconsideration decision dated May 9, 2013, finding the Appellant does not qualify to continue to receive disability assistance because she has not provided the Ministry with required information.

The relevant legislation is section 10 the EAPDA:

Information and verification

10 (1) For the purposes of

- (a) determining whether a person wanting to apply for disability assistance or hardship assistance is eligible to apply for it,
 - (b) determining or auditing eligibility for disability 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 disability 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 disability assistance, hardship assistance or a supplement for the prescribed period.
- (5) If a dependent youth fails to comply with a direction under this section, the minister may reduce the amount of disability assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.

The Appellant argues that because she could not access her mailbox to obtain the Ministry's letters she was not aware that she was required to provide the information. Furthermore, she states that when she tried to provide the Ministry with the required information when filing her request for reconsideration, it was refused. The Appellant maintains that the required information is available to the Ministry.

The Ministry's position is that at the time of the reconsideration decision the Ministry did not have the required information before it. The Ministry further states that it still has not received the required information from the Appellant. As the Ministry has never received the required information, under section 10(4) of the EAPDA the Minister may declare the Applicant ineligible for assistance.

The panel finds that at the time of the reconsideration decision the required information was not before the Ministry. The panel acknowledges that the Appellant claims that she attempted to deliver the required information to the Ministry at the time she filed her reconsideration request but was refused. However, the Appellant has had ample time and opportunity to submit the required

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information and has never done so. The panel notes that at the appeal hearing the Appellant again asserted that she has the required information available, but she neglected to bring it to the hearing.

The panel finds the ministry reasonably determined that the appellant has failed to provide the Ministry with required information in accordance with section 10 of the EAPDA and therefore the ministry's decision to find the Appellant ineligible to continue to receive assistance was reasonable.

Accordingly, the Panel finds that the Ministry's decision is a reasonable application of the relevant legislation and confirms the ministry's decision pursuant to sections 24(1)(b) and 24(2)(a) of the Employment and Assistance Act.