

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “Ministry”) reconsideration decision dated August 14, 2013 which held that the appellant was denied income assistance as the appellant did not provide information requested by the Ministry pursuant to section 10 of the *Employment and Assistance Act* (“EAA”) and section 32 of the *Employment and Assistance Regulation* (“EAR”)

PART D – Relevant Legislation

Employment and Assistance Act, section 10
Employment and Assistance Regulation, section 32

PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming the appellant was notified, the hearing proceeded under Section 86(b) of the EAR.

The evidence before the Ministry at reconsideration was as follows:

1. Letter dated June 5, 2013 addressed to the appellant from the Ministry ("Letter One")
On June 5, 2013 a document checklist was sent to the appellant from the Ministry requesting a number of documents to help assist the Ministry conduct the appellant's eligibility review that included any documents related to: renter or homeowner receipts for monthly expenses; income statements for any monthly income; assets inventory, and self-employment records. The appellant was given to July 8, 2013 to provide the relevant documents to the Ministry.
2. Letter dated July 9, 2013 addressed to the appellant from the Ministry ("Letter Two")
On July 9, 2013 a letter was sent to the appellant from the Ministry stating that the appellant had failed to submit the documents requested in their June 5, 2013 letter. The Ministry gave the appellant until July 23, 2013 to contact the Ministry to arrange for an interview and provide the requested documents no later than two days before the interview or the appellant's income assistance would be discontinued.
3. Letter dated July 9, 2013 addressed to the appellant from the Ministry ("Letter Three")
On July 9, 2013 a subsequent letter was sent to the appellant from the Ministry stating that his income assistance cheque for July 24, 2013 was going to be held at the office until he submitted the requested documentation. The appellant was instructed to contact the Ministry.
4. On July 23, 2013 the appellant contacted the Ministry to inquire into the status of his assistance cheque and the appellant was advised to contact his Ministry worker regarding the documents he was to provide to the Ministry and his interview. The appellant was given the contact number.
5. Letter (no date provided on the letter although the Reconsideration Decision suggests it was July 25, 2013) addressed to the appellant from the Ministry ("Letter Four")
In subsequent letter the Ministry informed the appellant that they were unable to review the appellant's continued eligibility without the requested documents would close the appellant's file on August 22 and closed the appellant's file on August 31, 2013.
6. On July 30, 2013 the appellant advised the Ministry that he was aware he had to submit documents by July 23, 2013 but because that day was the day the Ministry issued cheques to income assistance recipients he did not deliver the documents as the office would be too busy.
7. Employment and Assistance Request for Reconsideration dated July 31, 2013

In the Reason for Request for Reconsideration the appellant stated that he did not provide the Ministry with a change of address when he moved on May 22, 2013. The appellant explained that his landlord agreed that she would call the appellant when the appellant received mail and forward it to him which she did not do. Consequently the appellant claimed he was not aware

of the "information or documents" that had been requested by the Ministry and by the time he became aware of the documents he did not have time to submit the documents. The appellant requested that the Ministry accept the documents late.

No additional evidence was provided by the Ministry at the hearing.

PART F – Reasons for Panel Decision

The issue whether the Ministry's decision which held that the appellant was denied income assistance for failing to provide information under section 10 of the EAA and section 32 of the EAR is reasonably supported by the evidence or a reasonable application of the applicable legislation in the circumstances of the appellant.

Section 10 of the EAA addresses information and verification procedures the Ministry is to follow when reviewing a recipient's eligibility for continued income assistance. When auditing eligibility for income assistance, the Ministry may direct a recipient to supply verification of information of any information. Specifically section 10(1)(b)(g) of the EAA states:

10. (1) For the purposes of
- (b) determining or auditing eligibility for income assistance, hardship assistance or a supplement,
- the minister may do one or more of the following:
- (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.

Section 10(2) of the EAA further stipulates what information that can be requested and states that the Ministry may request information if it relates to "the eligibility of the family unit for income assistance..." Specifically section 10(2) states the following:

- (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.

Section 10(4) addresses the consequences if a recipient does not comply with the direction of the Ministry and authorizes the Ministry discretionary power to declare a recipient ineligible for income assistance for a prescribed period of time. Specifically section 10(4) states the following:

- (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 EAR also deals with the consequences of failing to provide information or verification to the Ministry when directed by the Ministry. Specifically section 32(1) of the EAR allows the Ministry the discretionary power to declare the recipient ineligible for a period of time that lasts until the recipient complies with the direction. Section 32(1) states the following:

- 32 (1) For the purposes of section 10 (4) [information and verification] of the Act, the period for which the minister may declare the family unit ineligible for assistance lasts until the applicant or recipient complies with the direction.

The Ministry argues that the Ministry requested information from the appellant for an eligibility review and notwithstanding their repeated requests the appellant did not submit the documents. As the appellant did not provide the requested documents he was consequently denied assistance for failure to provide information pursuant to section 10 of the EAA and section 32 of the EAR. The Ministry also indicated at the hearing that they would have accepted the appellant's documents up to the date of reconsideration.

The appellant argues that he was unaware that the Ministry had requested documentation for his eligibility review and stated in his "Reasons for Request for Reconsideration" that he "was not aware of the information and documents requested and did not become aware in time to submit them."

The evidence confirms that the Ministry did send out letters on June 5, 2013, July 9, 2013, July 9, 2013 and what appears to be July 25, 2013 repeatedly requesting that the appellant provide a detailed list of documents in order for the Ministry to conduct an eligibility review.

On June 5, 2013 a document checklist was sent to the appellant from the Ministry requesting a number of documents to help assist the Ministry conduct the appellant's eligibility review. The appellant was given to July 8, 2013 to provide the documents to the Ministry.

On July 9, 2013 a letter was sent to the appellant from the Ministry stating that the appellant had failed to submit the documents requested in their June 5, 2013 letter. The Ministry gave the appellant until July 23, 2013 to contact the Ministry and arrange for an interview or the appellant's income assistance would be discontinued. The Ministry again requested the list of documents from the appellant.

On July 9, 2013 a subsequent letter was sent to the appellant from the Ministry stating that his income assistance cheque for July 24, 2013 was going to be held at the office until he submitted the requested documentation. The appellant was instructed to contact the Ministry.

There is also evidence that shows that on July 23, 2013 the appellant contacted the Ministry to inquire into the status of his income assistance cheque and was apprised of the Ministry's requests at this time.

Again on July 30, 2013 the Ministry submitted that the appellant did acknowledge he was aware of the request for documents by the Ministry on July 23, 2013 but did not attend the Ministry office because it was "too busy."

The appellant, however, in his Reasons for Reconsideration indicated that he changed addresses on May 22, 2013 and was not aware that he had received any correspondence from the Ministry requesting documentation.

The appellant had documented conversations with the Ministry as early as July 23, 2013, however, regarding the outstanding documentation. Submission made by the Ministry suggest that the appellant did become aware of the Ministry's requests no later than July 23, 2013 when he spoke to the Ministry regarding the status of his cheque.

The Ministry also submitted that the appellant revealed in a documented telephone conversation with the Ministry that he was previously aware of the request for documents with a July 23, 2013 deadline indicating that the appellant was aware of the eligibility review possibly even before July 23, 2013.

There is no proof or confirmation verifying that the appellant moved residences and did not receive any mail, however, there is sufficient evidence confirming the appellant became aware of the required documentation no later than July 23, 2013 and did not provide any requested documentation required by the Ministry.

Section 10 of the EAA and section 32 of the EAR are designed to allow the Ministry to conduct eligibility reviews and details the consequences for failure to provide documents, for example, one of consequences being the denial of eligibility for a set period of time or until the recipient complies with the direction.

As the appellant has still not provided the requested documents to the Ministry, the panel finds the Ministry's determination that the appellant be denied income assistance for a failing to provide information was reasonably supported by the evidence and confirms the decision.