

### PART C – Decision under Appeal

The decision under appeal is the ministry's reconsideration decision dated August 23, 2013 which held that the appellant was not eligible for income assistance because he failed to provide the requested information to the ministry required under Section 10 of the Employment and Assistance Act. Further, the ministry determined pursuant to Section 32 of the Employment and Assistance Regulation the period for which the appellant is ineligible for income assistance lasts until the appellant complies with the ministry's decision.

### PART D – Relevant Legislation

Employment and Assistance Act(EAA) section 10

Employment and Assistance Regulation(EAR) section 32

## PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

The evidence before the minister at reconsideration consists of the following:

1. The appellant is a single employable recipient with no dependants.
2. July 8, 2013 the ministry sent the appellant a letter advising him that his file had been selected for review and asking that he submit by July 19, 2013, his current rent receipt, paid utilities bills, tenancy agreement, proof of all sources of income he may have, past 60 days transaction records of all bank or credit union accounts owned solely or jointly and proof of all accounts closed within the past 90 days with a transaction record for the past 30 days prior to closing, vehicle registration and insurance of all vehicles he owns, proof of all assets received since his application for assistance such as an inheritance, lottery winnings, cash gifts, lump sum payments, insurance or lawsuit settlements, trust documents if he has a trust that shows its current value with all contributions and disbursements or payments in the past two years, property documents for house, land, or other real estate he owns or jointly owns, and financial business records if he is self-employed.
3. July 17, 2013 the ministry sent the appellant a letter informing him that his income assistance cheque issue date was July 24, 2013 and that his cheque would be held at the ministry office until he submitted the requested information. The appellant was also asked to contact the ministry office to schedule an eligibility audit as requested in two separate letters by the ministry to his stated address. The appellant was informed that a decision on his eligibility would be determined once all documentation was reviewed.
4. July 18, 2013 the ministry sent the appellant another letter advising him that he had failed to submit the requested documents and if he did not make contact or submit the requested information for review by August 2, 2013 he would be denied further income assistance.
5. July 22, 2013 the appellant attended the ministry office to enquire about the status on his August income assistance. The ministry advised him that his cheque had been held to remind him of his outstanding documents requested for the eligibility review due August 2, 2013. At this time the appellant submitted a late stub, and his August cheque was placed in the mail the following day, July 23, 2013 to his stated address.
6. August 2, 2013 the ministry reviewed the appellant's file and confirmed he had not submitted the requested documents. The ministry denied him further income assistance under Section 10 of the EAA for failure to provide the requested documents.
7. August 7, 2013 the appellant attended a meeting at the ministry's office to discuss his file. The ministry enquired if there were any mitigating circumstances as to why, to date, he still had not submitted the requested documents which were due on August 2, 2013. The appellant stated that he moved out at the end of July, and did not receive the mail. The ministry advised him that three letters were mailed out to him, of which at least two letters he should have received,

as they were mailed out July 8, 2013 and July 18, 2013. In addition, the ministry noted that the appellant received and cashed his August Income Assistance cheque which was mailed to him on July 23, 2013.

8. The ministry explained that when the appellant met with the ministry on July 22, 2013 he was advised of the eligibility review and that the requested documents were due on August 2, 2013.
9. In Section 3 of the appellant's Request for Reconsideration, dated August 12, 2013, the appellant stated that he was having issues with the landlord with mail and he was evicted so he did not receive his mail until the day he moved out on July 30, 2013. He said he had been making a lot of effort to find work. The appellant said his room-mate did not move in with him at his new place and so the appellant spent \$600 on rent and \$300 on damage deposit and now he lives alone and doesn't have any money for food or bus fare.

In his Notice of Appeal (NOA) dated August 26, 2013 the appellant disagrees with the ministry's reconsideration decision and states "not handing in the information was a mix up, I had the job search form's & was going to my appointments, I was being evicted on my appointment date."

At the hearing, the appellant's NOA was admitted into evidence under Section 22(4) of the Employment and Assistance Act in support of the information and records which were before the ministry at reconsideration.

As a result of the appellant not attending the hearing the panel relies on the record as the appellant's position.

At the hearing, the ministry stood by the record.

The panel makes the following findings of fact from the evidence presented:

- The appellant is a single employable recipient with no dependants
- The ministry sent the appellant a letter dated July 8, 2013 advising him that his file had been selected for review and asking that he submit by July 19, 2013 the requested documents
- The ministry sent the appellant another letter, dated July 18, 2013 advising the appellant that he failed to submit the requested documents by July 19, 2013 and he was requested to submit the documents to the ministry by August 2, 2013.
- The ministry advised the appellant on July 22, 2013 that his cheque was held to remind him of his outstanding documents that were requested for the eligibility audit.

**PART F – Reasons for Panel Decision**

The issue under appeal is the ministry's reconsideration decision of August 23, 2013 which held that the appellant was not eligible for income assistance because he failed to provide the requested information to the ministry required under Section 10 of the Employment and Assistance Act. Further, the ministry determined pursuant to Section 32 of the Employment and Assistance Regulation the period for which the appellant is ineligible for income assistance lasts until the appellant complies with the ministry's decision.

Legislation considered:

**EAA: 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,
  - i. 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.

(5) If a dependent youth fails to comply with a direction under this section, the minister may reduce the amount of income assistance or hardship assistance.

**EAR: Consequences of failing to provide information or verification when directed**

**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 appellant's position is that he was having issues with his landlord and mail. He argues he was evicted and did not receive his mail until he moved out of his accommodation on July 30, 2013. Further, that he has made a lot of effort to find work; that not handing in the information was a mix-up as he had job search forms and was going to his appointments and that his room-mate left him after he found a place and he spent money on rent and a damage deposit and did not have money for food or bus.

The ministry's position is that the appellant has not provided any of the information as requested by it and is entitled to declare the appellant ineligible for income assistance until he complies.

The panel finds that the ministry in three separate letters directed the appellant to provide specific information and it was the appellant's obligation to provide the outstanding items of information but he did not comply. In addition, the appellant was verbally reminded of the ministry's request for this information on July 22, 2013 and August 7, 2013. Further, the appellant in his own written testimony confirms that he did receive his mail on July 30, 2013 when he was evicted from his accommodation. The panel finds the appellant was provided ample opportunity to comply with the ministry's direction, but has not provided any reasons to explain his failure to comply with the ministry's direction. Therefore, the panel finds the ministry reasonably determined the appellant ineligible for income assistance under Section 10 of the EAA for failing to comply with the direction to provide information and that pursuant to Section 32 of the EAR, the appellant remains ineligible until he complies with the direction to supply the information.

The panel finds that the ministry's decision was a reasonable application of the applicable enactment in the circumstances of the appellant and confirms the decision.