

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry)'s Reconsideration Decision dated June 4, 2013 in which the ministry determined that the appellant was ineligible for income assistance pursuant to section 10(4) of the Employment and Assistance Act (EAA) as the appellant had not complied with the direction of the ministry under section 10(2) of the EAA to supply the requested documentation necessary to determine his eligibility for income assistance.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) section 10
Employment and Assistance Regulation (EAR), section 32

PART E – Summary of Facts

With the consent of both parties, the hearing was conducted as a written hearing, pursuant to section 22(3)(b) of the Employment and Assistance Act.

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

- 1) The appellant's Request for Reconsideration (RFR) dated May 21, 2013 in which the appellant states that he is completing the RFR because there was a miscommunication from the ministry regarding telephone appointment times with the ministry worker to discuss his continued assistance and that he was told that no appointments were going to be available until June. He indicates that the ministry representative advised that he complete the reconsideration package. The appellant states that he has attached all of the forms that were requested of him to the RFR package.
- 2) Letter from the ministry to the appellant, dated April 5, 2013, advising the appellant that his file has been selected for review in order to confirm his eligibility for continued assistance. It also states that the eligibility review had started over the phone with the appellant on March 6, 2013, and he was advised to submit the required documents to the local office for review. It further states that a telephone interview has been arranged for April 16, 2013 and that if the required documents were not received by that date, his assistance would be discontinued.
- 3) A Financial Eligibility Review Checklist from the ministry, indicating the documents that the appellant is required to submit. These documents include: Social Insurance Card(s), Birth Certificate for all family members, Driver's License or BC Identification, Rent Receipt (current), Tenancy Agreement, Utility Receipts, Bank Account(s) – 2 month profile, Current Resume and Work Search Activities Record.
- 4) Letter from the ministry to the appellant, dated April 16, 2013, advising the appellant that he is no longer eligible for assistance and that his file will be closed on April 30, 2013.

In the appellant's Notice of Appeal, received June 21, 2013, he states that he was only doing what he had been instructed to by the worker he had spoken to at the ministry. He writes that he had submitted his complete package (forms, receipts and statements) May 21, 2013 but was instructed by the worker to just hold onto the forms, receipts and statements. The appellant writes that he questioned the worker three times to be sure that this was correct.

The Notice of Appeal included copies of the appellant's rent receipts for January, February, March and April 2013 for \$375 each month; a Doctor's note, dated December 13, 2012, indicating that the appellant will be off work for medical reasons for one year; bank account summary for April 21 to May 18, 2013; a detailed bank account inquiry for May 23 to June 20, 2013.

The ministry relied on its reconsideration decision as well as a letter to the Employment & Assistance Tribunal Coordinator, dated July 25, 2013, stating that at the time of the Reconsideration Decision was rendered (June 4, 2013) the appellant had not submitted the requested information.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's reconsideration decision, which found that the appellant was not eligible for income assistance pursuant to section 10(4) of the *Employment and Assistance Act* (EAA) as the appellant had not complied with the direction of the ministry under section 10(2) of the EAA to supply the requested documentation necessary to determine his eligibility for income assistance was reasonably supported by the evidence or was a reasonable application of the legislation in the appellant's circumstances.

The relevant sections of the legislation are as follows:

(A) Information and verification – EAA section 10(2) and (4)

10 (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.

(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.

(B) Consequences of failing to provide information or verification when directed – EAA section 32(1)

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 position of the ministry, as set out in the reconsideration decision, is that the ministry sent the appellant three letters (March 6, April 6 and April 16, 2013) requesting documentation but the appellant did not provide sufficient documentation to determine his continued eligibility. The ministry does acknowledge that although they have record of sending out three letters, a copy of the letter from March 6, advising the appellant of the appointment on March 27, was not on file and therefore was not included in the assessment of whether the appellant failed to submit information as requested.

The appellant's position was that he had all of the documentation to submit with the RFR (May 21, 2013) but was instructed to hold onto it by a ministry worker. He submitted some documentation (rent receipts, doctor's note and bank statements) with his Notice of Appeal June 21, 2013.

The panel finds that under section 10(2) of the EAA the ministry has the authority to direct the appellant to supply documentation to verify information received by the ministry if that information relates to the eligibility for income assistance. In the present appeal the ministry requested eligibility-related documentation in April 2013. The panel finds that although the appellant did provide a doctor's note to confirm his inability to work at this time, the bank statements were for the period of April 21 to June 2013 and the rent receipts were not accompanied by a tenancy agreement confirming to whom the rent was being paid or the requested utility bills.

In conclusion, the panel finds the ministry's reconsideration decision that the appellant was not eligible for income assistance pursuant to section 10(4) of the EAA for failure to provide the requested documentation was reasonably supported by the evidence and a reasonable application of the legislation in the appellant's circumstances. The panel therefore confirms the ministry's reconsideration decision.