

PART C – Decision under Appeal

The reconsideration decision dated 19 July 2013 determined that the appellant was not eligible for income assistance because he failed to provide the information that was requested according to s. 10 (1)(b) and (4) of the Employment and Assistance Act to audit his eligibility for assistance.

PART D – Relevant Legislation

Employment and Assistance Act (EAA), s. 10.
Employment and Assistance Regulation (EAR), s. 32 (1).

PART E – Summary of Facts

The ministry and the appellant were not in attendance at the hearing. After confirming that they were notified, the hearing proceeded under s. 86(b) of the EAR.

The evidence before the ministry at reconsideration consisted of:

- The appellant was a recipient of income assistance as a single person.
- A three-page letter dated 6 May 2013 by the ministry to the appellant stating that his eligibility to income assistance was being audited and requesting him to provide the following information:
 - Current photo identification.
 - Rent receipt(s), mortgage payment(s) and / or utility bills: "Please have your previous land lord completed (sic) the shelter information form enclosed. Include a contact number of the owner of the property. Utility bills for the your (sic) last 2 months."
 - Pay statements for all income (earnings, Employment Insurance, Canada Pension Plan, or any other income) for the period of 2012 to current, include part time and or casual labour.
 - Records of employment from all employers during the period of 2012 including your last date worked at [named business].
 - Statements for all bank accounts, sole or joint, for the period of May 2012 to current, please have your bank complete the enclosed profile.
 - Statements of all investments, RRSP's, pension funds and any other assets.
 - Income Tax Notice of Assessment for year(s): 2012.
 - Other: Please provide a current address and phone number where you may be reached. Update resume.
 - This information was to be submitted to a named ministry agent with an address and phone number by 20 May 2013.
 - This letter was placed on the appellant's file at the ministry on the same day, to be delivered to him when he would attend to the ministry's office.
- A two-page undated letter by the ministry to the appellant indicating that on 6 May 2013 a letter was sent to him asking for information to determine his eligibility for assistance. This letter lists the same conditions as the previous letter and provides the same ministry agent's name and contact information. It also indicates that the appellant's file will be closed on 25 June 2013 and that he is no longer eligible for income assistance as he has not provided the information requested in the 6 May letter.
- On 21 May 2013, this letter was placed on the appellant's file, also to be given to him when he would attend a ministry office.
- On 23 May 2013, the appellant attended one of the ministry's offices and was given both above-mentioned letters. It was explained to the appellant what documentation was required and why and assistance was provided to him for the month of June 2013 as it would be fair, according to the ministry, to allow one month for the appellant to comply with the request of information, but that the information should nonetheless be provided as soon as possible.
- On 26 June 2013, given that the appellant had not provided any of the information that had been requested, the ministry determined he was no longer eligible for income assistance and closed the file.
- On 3 July 2013, the appellant contacted the ministry and advised that his letters had been lost or stolen and that he had not been advised to whom he should provide that information. He listed the information requested by memory but indicated he did not understand the process. He was

advised that his file had been closed for failing to provide the requested information and that he was no longer eligible for income assistance. It was noted on his file that he had filed reconsideration requests in the past and a due date of 20 June 2013 was noted on his request for reconsideration form.

- In his request for reconsideration dated 7 July 2013, the appellant indicates that:
 - He had completed some of the information requested but since his letters had been lost or stolen he had no idea as to when this had to be submitted.
 - Some of the documentation does not exist.
 - It was incorrect to say that he had filed reconsiderations requests in the past.
 - On the second letter (filed on 21 May 2013) it indicates that his file would be closed on 25 June 2013 and that did not give him enough time to make an application for reconsideration.
 - He submitted a stub early, on 6 June 2013.
 - The reconsideration document indicates it had to be filed by 10 June 2013 while he was given it and completed it only on 3 July 2013.

In his Notice of Appeal dated 29 July 2013, the appellant indicates he was not given enough time to get his documents and his file was closed too early. He states there were conflicting dates and that this was causing him undue hardship.

PART F – Reasons for Panel Decision

The issue under appeal in this case is whether the ministry's decision that the appellant was not eligible for income assistance because he failed to provide the information that was requested according to s. 10 (1)(b) and (4) of the EAA to audit his eligibility for assistance was either a reasonable application of the legislation or reasonably supported by the evidence.

The applicable legislation in this matter is s. 10 of the EAA that states:

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,

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.

S. 32 (1) of the EAR states the extent of the consequences for failing to provide the information requested by the ministry:

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 argued that on 23 May 2013, the appellant was given in person two letters, the first dated 6 May 2013 and the second, undated, requesting that he provides the following information in order to audit his eligibility for income assistance:

- Current photo identification;
- Completed ministry shelter information form;
- Utility bills for the previous 2 months;
- Pay statements for all income from 2012 to present;
- Records of employment for 2012 including the appellant's last day of work at a named business;
- Statements for all bank accounts for May 2012 to current;

- Completed bank profile (form provided);
- Statement for all assets;
- 2012 Income tax notice of assessment;
- Current address and phone number where he can be reached.

The appellant was advised that failure to provide that information might result in ineligibility for income assistance. None of that information was provided and the ministry argued that despite the allegation by the appellant that he had lost the letters, he knew very well what information he had to produce as, on 3 July 2013, he was able to recall it by memory. The ministry further argued that the appellant had one month to provide that information but that he had no contact with the ministry during that month and that even at the date of reconsideration none of that information had been provided. Thus the ministry argued that it had no choice but to determine that the appellant had failed to provide the requested information and that he was no longer eligible for income assistance.

The appellant argued that he could not provide the information requested because the letters had been lost or stolen and that he had no idea by what date he needed to provide that information. He also argued that some of the documentation required does not exist, so he could not provide it. As well, he argued that the information he had requested a reconsideration in the past is not correct. He claimed that the second letter that was delivered to him on 23 May 2013 indicated a deadline to provide the information as 25 June 2013, which was too short a timeframe. Finally, he argued that he had provided the ministry with a stub on 6 June, that his file was closed too quickly and that it had caused him undue hardship.

The panel finds it was reasonable for the ministry to request the information needed from the appellant for the purpose of auditing his eligibility for income assistance as provided by s. 10 (1)(b) of the EAA. Since the appellant had no fixed address, it was reasonable for the ministry to hold off on the letters until he would attend the ministry's office, which he did. The panel further finds that between 23 May 2013 when the appellant was given the letters dated 6 May and 21 May 2013 in person and 3 July 2013 when he contacted the ministry, there was ample time for the appellant to have contacted the ministry to provide the information that was requested in these letters. Despite the appellant's argument that the letters might have been lost or stolen, the panel finds the appellant did recall the information he had been requested to provide when he went to the ministry's office on 3 July 2013 and consequently he had failed to provide any of the information requested. Additionally, the panel finds that if some of the requested documentation did not exist or that mitigating circumstances had provoked a delay in getting these, the appellant had ample time to provide this information to the ministry but failed to do so. Thus, it was reasonable for the ministry to determine that the appellant had failed to comply with the direction given by the ministry to provide information for auditing income assistance eligibility and it was also reasonable to declare the appellant ineligible for income assistance accordingly, under s. 10 (4) of the EAA.

Therefore, the panel finds the ministry's decision was reasonably supported by the evidence and confirms the decision.