

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry) reconsideration decision dated June 13, 2013, which held that the appellant was not eligible for income assistance because he failed to comply with the terms and conditions of his employment plan (EP) pursuant to Section 9 of the *Employment and Assistance Act (EAA)*. The ministry determined that the appellant is not eligible for income assistance because he did not demonstrate a reasonable effort to participate in the employment program after April 12, 2013 and did not provide information to establish that he had a medical condition that prevented him from participating in his EP.

PART D – Relevant Legislation

Employment and Assistance Act – EAA – Section 9

PART E – Summary of Facts

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

- 1- The Employment Plan (EP) signed by the appellant on March 21, 2013. The terms of the EP included provisions requiring the appellant seek out and pursue all available resources and employment opportunities and record his monthly work search activities on the ministry form. The appellant is required to provide his records to the ministry upon request. The appellant was aware that the ministry expectation is that he spend 25 hours minimum per week on work search activities.
- 2- Copies of the appellant's Work Search Activities record from March 25 to April 12, 2013.
- 3- Copies of authorization for release of information and request for medical information forms signed by the appellant.
- 4- Request for reconsideration dated June 3, 2013.

In the request for reconsideration the appellant stated that he has not found work and his home has been "in pounded" and he has been evicted. The appellant wrote that he is on the street and the food bank has turned him down. He has no bus fare, no clothes and no phone.

In the Notice of Appeal, the appellant stated that he has registered in the employment plan.

The appellant did not attend the hearing. After establishing that the appellant had been notified of the hearing, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation (EAR).

The ministry stated that the reconsideration decision is reasonable because the ministry staff reviewed the EP with the appellant, provided information and made sure that the appellant understood all the requirements. The staff also advised him that he should review the EP and its requirement prior to signing the document. The ministry further stated that the appellant made reasonable efforts to comply with the requirements of the EP from March 25 to April 12, 2013; however, he failed to demonstrate reasonable efforts after April 12. The ministry told the panel that the appellant reported that he was hospitalized from April 4 to 14, 2013; however, the only confirmation submitted indicated that he attended the emergency on April 23 and that he was released on the same day. The ministry submitted that there is no evidence before the ministry stating that the appellant did not participate in his EP due to illness.

The panel finds that:

- The appellant signed the EP on March 21, 2013;
- Required activities were that the appellant seek out and pursue all available resources and employment opportunities, record his activities and spend 25 hours minimum per week on work search activities;
- The appellant, by signing the EP, acknowledged that he would comply with the conditions set out in his EP and understood that if he does not comply with the conditions of his EP, his assistance would be discontinued.

PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry reasonably concluded that the appellant did not comply with the conditions of his EP by failing to demonstrate reasonable efforts to participate in his employment program and did not provide sufficient information to support that he stopped participating due to a medical condition pursuant to Section 9 of the *EAA*.

Section 9(1) of the *EAA* provides that, when the ministry requires, a person must enter into an EP and comply with the conditions in the EP in order to be eligible for income assistance.

Pursuant to Section 9(3) of the *EAA*, the ministry has the authority to specify conditions in an EP, including a requirement that the person participate in an employment-related program that, in the minister's opinion, will assist the applicant, find employment, or become more employable. .

Section 9(4) of the *EAA* states that if an EP includes a condition requiring a person to participate in a specific employment-related program, that condition is not met if the person fails to demonstrate reasonable efforts to participate in the program or if the person ceases, except for medical reasons, to participate in the program.

The ministry's position is that the appellant entered into an EP on March 21, 2013. The appellant was required to seek out and pursue all available resources and employment opportunities. The ministry submitted that the appellant did not comply with the conditions of the EP and did not demonstrate reasonable efforts to participate in the program. Furthermore, the appellant did not provide sufficient evidence confirming that he was unable to participate in the EP due to illness.

The appellant in the request for reconsideration stated that he does not have any money and has been evicted from his home.

The panel finds that the ministry reasonably determined that the appellant failed to comply with the conditions of his EP. The appellant failed to seek out and pursue all available resources and employment opportunities and he did not record his monthly work search activities on the ministry form after April 12, 2013. The panel also finds that the appellant has not provided substantiating evidence that illness prevented him from complying with the conditions of the EP. Therefore, the panel finds that the ministry reasonably concluded that the appellant failed to demonstrate reasonable efforts to participate in the employment program and was not in compliance with the conditions of his employment plan. .

The Panel finds that the ministry's decision denying the appellant income assistance was a reasonable application of the applicable legislation in the circumstances of the appellant, and therefore, confirms the decision.