

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision of May 22, 2013, which found the appellant ineligible for disability assistance according to the requirements of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR); the appellant's net income as determined in Schedule B exceeds the appellant's disability rate as determined in Schedule A.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 1, 9, 24, Schedule A and B

## PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

1. Income screen provided by the ministry dated May 13, 2013;
2. the appellant's bank statements from December 2, 2012 to March 26, 2013;
3. the appellant's 2012 T4A Statement of Canada Pension Plan Benefits;
4. a letter the appellant included in his request for consideration, dated April 22, 2013;
5. a list of the appellant's medical expenses between January 2012 and April 2013;
6. a list of the appellant's expenses for medications between January 2012 and December 2012;
7. nine receipts from a medical clinic dated between August 2012 and March 2012;
8. six doctor's receipts dated between November 2011 and February 2013.

According to the income screen the appellant receives \$ 882.17 CPP income per month and has a holdback of \$ 79 per month.

As shown in the appellant's bank statements, \$ 803.17 is deposited monthly into his bank account.

The ministry calculated the appellant's net income to be \$ 882.17 and his disability assistance rate to be \$ 873.44.

In his letter dated April 22, 2013, the appellant states that, considering his limited income, he is only asking for help to cover extra health related expenses that are essential for his everyday health and well-being.

In his Notice of Appeal dated May 28, 2013, the appellant states he could use another \$ 200 for medicine.

On June 5, 2013, the appellant writes that he has no further information to provide.

In an email dated June 25 the ministry states that for this appeal it relies on its reconsideration decision.

## PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision which denied the appellant disability assistance; specifically, the ministry found the appellant ineligible for disability assistance because his net income as determined in Schedule A (EAPWDR) exceeded his disability rate as determined in Schedule B (EAPWDR).

### EAPWDR:

1 (1) In this regulation:

**"unearned income"** means any income that is not earned income, and includes, without limitation, money or value received from any of the following:

(f) any type or class of Canada Pension Plan benefits;

### Limits on income

9 (1) For the purposes of the Act and this regulation, **"income"**, in relation to a family unit, includes an amount garnished, attached, seized, deducted or set off from the income of an applicant, a recipient or a dependant.

(2) A family unit is not eligible for disability assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of disability assistance determined under Schedule A for a family unit matching that family unit.

### Amount of disability assistance

24 Disability assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than

(a) the amount determined under Schedule A, minus

(b) the family unit's net income determined under Schedule B.

**Schedule A**

**Disability Assistance Rates**

(section 24 (a) )

**Maximum amount of disability assistance before deduction of net income**

1 (1) Subject to this section and sections 3 and 6 to 9 of this Schedule, the amount of disability assistance referred to in section 24 (a) [*amount of disability assistance*] of this regulation is the sum of

- (a) the monthly support allowance under section 2 of this Schedule for a family unit matching the family unit of the applicant or recipient, plus
- (b) the shelter allowance calculated under sections 4 and 5 of this Schedule.

**Monthly support allowance**

2

(1) A monthly support allowance for the purpose of section 1 (a) is the sum of

- (a) the amount set out in Column 3 of the following table for a family unit described in Column 1 of an applicant or a recipient described in Column 2, plus
- (b) the amount calculated in accordance with subsections (2) to (4) for each dependent child in the family unit.

<b>Item</b>	<b>Column 1</b> Family unit composition	<b>Column 2</b> Age or status of applicant or recipient	<b>Column 3</b> Amount of support
1	Sole applicant/recipient and no dependent children	Applicant/recipient is a person with disabilities	\$531.42

## Monthly shelter allowance

4

(2) The monthly shelter allowance for a family unit to which section 14.2 of the Act does not apply is the smaller of

(a) the family unit's actual shelter costs, and

(b) the maximum set out in the following table for the applicable family size:

<b>Item</b>	<b>Column 1</b> Family Unit Size	<b>Column 2</b> Maximum Monthly Shelter
1	1 person	\$375

## Schedule B

### Deduction and exemption rules

1 When calculating the net income of a family unit for the purposes of section 24 (b) [*amount of disability assistance*] of this regulation,

(a) the following are exempt from income:

(b) any amount garnished, attached, seized, deducted or set off from income is considered to be income, except the deductions permitted under sections 2 and 6,...

### Position of the Parties

The appellant's position is that although his health expenses may seem affordable the yearly total adds up to much more than he can afford on his limited income.

The ministry argues that the appellant's net income exceeds his disability assistance rate and he is therefore not eligible for disability assistance: Under Schedule B section 1 the ministry determined that the appellant received \$ 882.17 monthly income from CPP; the \$ 79 holdback is included in his income as set out in Schedule B section 1(b). The appellant's disability rate is calculated according to Schedule A by adding his support allowance of \$ 531.42 and his shelter allowance of \$ 342.02 which is based on actual shelter costs. The result is a disability rate of \$ 873.44. The ministry argues that because the appellant's net income is \$ 882.17 and his disability rate \$ 873.44, the appellant's income exceeds his disability rate which disqualifies him from receiving disability assistance under section 9 of EAPWDR.

The appellant does not dispute the ministry's calculation.

### Panel decision

Although the appellant's CPP income is \$ 882.17, the holdback amount of \$79 must be considered to be income pursuant to EAPWDR Schedule B, section 1(b)(1). The panel also finds that as per EAPWDR Schedule A, the appellant's disability rate is \$ 873.44, which means he would receive \$ 873.44 disability assistance if he were eligible. Therefore the panel finds that the ministry's decision that the appellant is not eligible to receive disability assistance in accordance with EAPWDR section 9 because his CPP income exceeds his disability rate is reasonable.

The panel notes that the appellant is requesting additional funds for medication, but his request lies outside the scope of this appeal.

### Conclusion

Having reviewed and considered all the evidence and the relevant legislation the panel finds that the ministry's decision that the appellant was not eligible for disability assistance was reasonably supported by the evidence and was a reasonable application of the applicable regulation. Therefore the panel confirms the ministry's reconsideration decision.