

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry)'s reconsideration decision dated September 17, 2013, finding the Appellant is not eligible to receive income assistance as she has failed to provide information required by the Minister in accordance with section 10 of the Employment and Assistance Act (EAA).

### PART D – Relevant Legislation

The relevant legislation is section 10 of the EAA.

## PART E – Summary of Facts

The Appellant is in receipt of income assistance as a single person.

On July 8, 2013 the Ministry mailed to the Appellant a letter requiring her to provide the Ministry with certain information regarding her shelter costs and income and asset levels by July 19.

On July 18, not having received the required information from the Appellant, the Ministry issued a second letter to the Appellant requesting the same information by August 2.

On July 23 the Appellant was advised by the Ministry by telephone that she was required to provide the Ministry with the requested information or she would no longer be eligible for income assistance. The Appellant made an appointment to attend the Ministry offices on July 31, which she did not attend.

On August 2, not having received a response to this second letter, the Ministry mailed to the Appellant a letter advising her that because she had not provided the required information she was no longer eligible to receive assistance and her file would be closed August 31.

The Appellant requested a reconsideration of the decision on September 5. She stated in her request that she had not responded to the letters because she had moved in this time period and although she checked at her previous address for mail, her former landlord told her that she had not received any mail. She also admits that she made a mistake in not responding to the Ministry's requests for information or keeping her appointments. The Appellant further states that she has secured a job beginning in September and needs the September income assistance payment to cover her September costs until she receives her first paycheque.

In her written appeal submission the Appellant states:

"I have now started working and I have not yet received my 1<sup>st</sup> cheque & am working more hours & will not be in need of assistance next month. I have been on assistance & have done all my job searching & found employment. That is what I thought I was supposed to do, find a job so I am no longer dependent on the ministry."

## PART F – Reasons for Panel Decision

The issue under appeal is the Ministry's reconsideration decision dated September 17, 2013, finding the Appellant does not qualify to continue to receive disability assistance because she has not provided the Ministry with required information.

The relevant legislation is section 10 the 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,
- 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 provided to or for the family unit by the prescribed amount for the prescribed period.

The Appellant argues that she was not aware of the Ministry's requests for information because she did not receive the written requests. She also argues that she fulfilled her job search requirements and has found employment. She further argues that she requires the September income assistance cheque in order to cover her costs as she transitions into work.

The Ministry's position is that the Appellant was made aware of its request for information verbally on the phone on July 23 and also of the consequences of not complying with the request. The Appellant did not keep her appointment with the Ministry and has never provided a reason for missing that appointment.

The panel finds that the ministry made adequate efforts to inform the Appellant in regards to both the requirement to submit the requested information and the consequences of not doing so. In particular, the panel notes that, even if the Appellant did not receive the written requests, she was made aware of the requirement to submit the information and the consequences of not doing so verbally by the Ministry on July 23 and did not comply.

The panel finds the ministry reasonably determined that the appellant has failed to provide the Ministry with required information in accordance with section 10 of the EAA and therefore the ministry's decision to find the Appellant ineligible to continue to receive assistance in accordance with subsection 10(4) was reasonable.

Accordingly, the Panel finds that the Ministry's decision is a reasonable application of the relevant legislation and confirms the ministry's decision pursuant to sections 24(1)(b) and 24(2)(a) of the Employment and Assistance Act.