

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the "Ministry") reconsideration decision dated October 10, 2013, which denied the appellant Income Assistance (IA) because she failed to provide information and documentation as directed by the Ministry to determine her eligibility for IA pursuant to section 10 of the *Employment and Assistance Act* ("EAA") and that she continues to be ineligible, pursuant to section 32 of the *Employment and Assistance Regulation* ("EAR"), as she has not complied with the direction.

PART D – Relevant Legislation

Employment and Assistance Act section 10
Employment and Assistance Regulation section 32

PART E – Summary of Facts

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

- 1) A letter to the appellant dated July 17, 2013 from the Ministry requesting the following information or documentation to be submitted by August 2, 2013:
 - Current rent receipt and bills for all the utilities paid by the appellant;
 - Pay statements or pay stubs for all income (earnings, Employment Insurance[E.I.], Canada Pension Plan, or any other income) for the period of January 2, 2012 to July 17, 2013;
 - Record of employment from all employers during the period of January 1, 2012 to July 17, 2013;
 - Documents to confirm the status of any claims settled during the period you received Income Assistance and for any unresolved claims in your name;
 - Statements for all investments, RRSP's pension funds and any other assets; and
 - Income Tax Notice of Assessment for 2011 and 2012;
 - Insurance documents for vehicles insured in the appellant's name.
- 2) A letter to the appellant dated August 21, 2013 from the Ministry requesting the previous listed information or documentation plus the following to be submitted by September 6, 2013:
 - Profiles and statements for all bank accounts, sole or joint, for the period of April 17, 2013 to August 22, 2013.
- 3) A letter to the appellant dated September 11, 2013 from the Ministry outlining that the previous listed information or documentation was requested and stating that because the above information was not provided to the Ministry to date, the Ministry cannot establish the appellant's eligibility for IA and that it would close the appellant's file on October 11, 2013.
- 4) The Request for Reconsideration dated October 2, 2013 in which the appellant states that she did not receive the first request for information or documentation letter but did receive the second. She further states that she could not respond to the second letter in the allotted time because she was unable to retrieve her documentation from storage due to an illness. The appellant wrote that she has since gained access to the storage and is able to submit the documents if asked.

In the Notice of Appeal, the appellant states that she is now able to provide all of the required documents to prove eligibility.

At the hearing the appellant stated that she did not received the investigating officer's first letter requesting information as she lives in a multi-suite home where the mail is delivered to one central mail box. She also explained that she could not access her information in August and September because she had moved and the owners of the home where her documents were stored were away on vacation.

The appellant did not bring the information requested by the Ministry to the hearing but stated that she has all the information on hand except the bank information, which she would have no problem getting. She did not realize that she could just hand in her information at any time to the Ministry or bring it to the hearing as she assumed there was an official process to hand in the information.

The appellant stated that she went to a ministry field office either at the end of August or beginning of September in response to the second request letter, but did not call the investigating officer directly as she had lost her phone. The appellant acknowledged that the Ministry told her to get the paper work submitted as had been directed. The appellant clarified that she did receive regular EI and sickness EI benefits but that the EI benefits did not overlap with the IA benefits she received.

The appellant itemized the information she has available but did not bring with her as follows:

- Rent receipts showing that she pays \$650 for rent and utilities;
- Pay stubs from January 2012 to April 2012 and stated that she has not worked since;
- A record of employment, which the appellant stated she had previously provided to the Ministry;
- Papers showing when she became ineligible for regular and sickness EI benefits;
- A current income tax assessment;
- She stated that she does not have any investments, mutual funds or pension;
- She stated that she does not have a vehicle or a driver's license and therefore does not have vehicle insurance in her name.

The ministry relied on the reconsideration decision, and explained that the review of the appellant's IA was triggered by a match with Revenue Canada where the appellant filed income from EI benefits.



PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's decision to deny the appellant IA because of a failure to provide the Ministry with information and documentation requested by the Ministry and required to determine eligibility for IA was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

The relevant legislation is as follows:

Information and verification

Employment and Assistance Act

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.

Consequences of failing to provide information or verification when directed

Employment and Assistance Regulation

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.

(2) For the purposes of section 10 (5) [*information and verification*] of the Act,

(a) the amount by which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit is \$100 for each calendar month, and

(b) the period for which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit lasts until the dependent youth complies with the direction.

The appellant's position is that she did not receive the Ministry's first letter requesting the information, that she initially could not access the information requested by the Ministry but the documents are currently available to be produced, and that she was under the impression that there is an official process to submit the information.

The Ministry's position is that it directed the appellant to supply specific information under section 10 of the EAA, and the Ministry has not received the information it requested and cannot determine the appellant's eligibility for continued IA benefits. Therefore she is no longer eligible for IA. The appellant has not provided any of the specific information to date and is not eligible for IA until she has done so, pursuant to section 32 of the EAR.

The Panel's Decision:

The legislation states that in order to determine or audit eligibility for income assistance, hardship assistance or a supplement, the Ministry may direct an applicant or a recipient to supply information within the time and in the manner specified by the minister, seek verification of any information supplied to the minister by an applicant or a recipient, and or direct an applicant or a recipient to supply verification of any information he or she supplied to the minister.

The appellant argued that she did not receive the Ministry's first request of information letter and that accessibility to the information was beyond her control. However, the appellant admitted receiving the second letter, dated August 21, 2013, and to being told by the Ministry, when she attended at the local office, that she needed to submit the documents as directed. The Ministry sent another letter to the appellant dated September 11, 2013 which advised her that her file would be closed on October

11, 2013, and yet the appellant did not contact the Ministry to provide the information or to inquire of the process for submitting the information. The panel finds that the ministry reasonably concluded that the appellant did not provide the information as directed pursuant to section 10 of the EAA, and that she is not eligible for IA until she complies with the direction, pursuant to section 32 of the EAR. Having reviewed and considered all of the evidence and the relevant legislation, the panel finds that the ministry's decision declaring the appellant ineligible for IA is a reasonable application of the legislation in the circumstances of the appellant. The panel therefore confirms the ministry's decision.