

PART C – Decision under Appeal

The decision being appealed is the Ministry of Social Development and Social Innovation (the “Ministry”) February 24, 2014 reconsideration decision in which the Ministry denied the Appellant further income assistance because she failed to demonstrate reasonable efforts to comply with an employment plan as required by section 9 of the Employment and Assistance Act and she failed to provide information about any circumstances that interfered with her ability to meet her employment-related obligations in accordance with section 29 of the Employment and Assistance Regulation.

PART D – Relevant Legislation

Employment and Assistance Act (“EAA”) Section 9.

PART E – Summary of Facts

With the consent of both parties, the hearing was conducted as a written hearing pursuant to section 22(3)(b) of the Employment and Assistance Act.

For its reconsideration decision the Ministry had the following evidence:

1. Information from its records that the Appellant was receiving income assistance.
2. Employment plan signed by the Appellant on September 5, 2013 which included a statement that she had read, understood and agreed to the conditions in the plan, and with the following conditions:
 - To work with the contractor to address issues which may impact employability.
 - To complete all tasks and activities in the plan.
 - To contact the contractor when she was unable to attend a session.
3. Information from the contractor's records that the Appellant:
 - Met with her case manager on September 18, 2013 to sign her action plan and signed up for training; the next meeting was booked for September 25, 2013.
 - Did not attend a scheduled meeting with her case manager on September 25, 2013; case manager called and emailed the Appellant with no response.
 - Cancelled scheduled workshops on October 8, 2013.
 - Did not attend a scheduled workshop on October 15, 2013 and did not call about why she did not show up.
 - Did not attend a scheduled meeting with her case manager on October 17, 2013 and made no contact.
 - Did not attend a scheduled workshop on October 18, 2013; case manager tried to phone the Appellant without reaching her.
 - Did not attend a first aid training course and was no longer eligible for the training as of October 28, 2013.
 - Had job search activity from December 2013 to January 2014.
4. Letter from the Ministry to the Appellant, dated October 23, 2013, advising the Appellant that she had not complied with her employment plan.
5. Letter from the Ministry to the Appellant dated November 7, 2013 advising the Appellant that she must maintain contact and participate in the employment plan programs or her income assistance could be affected.
6. Information from the case manager about a meeting with the Appellant on November 19, 2013 when the Appellant advised that she had been ill and there had been a death in the family. She stated that she would submit a doctor's note to explain why she did not attend the first aid training. The Appellant was advised she had to complete a job search.
7. Information from the Ministry's records that the Appellant did not provide a doctor's note.
8. Information from the case manager that the Appellant agreed from November 20, 2013 to be compliant with her employment plan and that she:
 - Attended 2 scheduled workshops on November 26 and 27, 2013.
 - Did not attend 10 scheduled workshops from November 28, 2013 to December 20, 2013.
9. Letter from the Ministry to the Appellant dated January 2, 2014 regarding her non-compliance; Appellant did not respond.
10. Information from Ministry records that the Appellant met with a Ministry representative on January 21, 2014 to explain that she was sick for a week in December and was dealing with an eviction notice. She advised that she maintained regular contact with the program and has no ongoing

medical conditions to prevent her participation.

In her notice of appeal, the Appellant wrote that she has further information that she can submit to clear up the days she missed. She stated that she moved during the middle of the original inquiry and her documents were packed. On April 2, 2014, the Appellant submitted a letter to the tribunal stating that she created and submitted the enclosed documentation on her own. The Appellant submitted the following documents:

1. A day by day reconciliation for dates she was required to attend workshops and meetings from October 15, 2013 to December 20, 2013. For some dates she provided reasons. For other dates she did not. For example, for a personal mapping workshop on November 28-29, the Appellant wrote "I did not feel that this class was something that was of benefit to me. The following days I went and put in more resumes. I realize now [t]hat was not my choice to make." For December 13, 2013 the Appellant wrote that she was in error for not calling about a sick child.
2. Her work search history from October 24, 2013 to January 31, 2014.
3. A doctor's note dated October 15, 2013 confirming that the Appellant was ill on October 15 and should be okay to attend classes as of October 23.
4. A 10 day notice to end tenancy and email correspondence related to this.
5. An events calendar for school activities showing a dress rehearsal for a school concert on December 18, 2013.
5. Copies of plane tickets for November 17, 2013.

Pursuant to section pursuant to section 22(4) of the EAA, the Panel admits the information in the Appellant's notice of appeal and in her documents because the information provides the Appellant's reasons for not attending some of the sessions required by the employment plan and therefore is in support of evidence that the Ministry had at reconsideration.

The Ministry relied on and reaffirmed its reconsideration decision.

The Panel makes the following findings of fact:

1. The Appellant signed an employment plan on September 5, 2013 requiring that she complete all tasks and activities in the plan, including attending scheduled workshops and meetings.
2. The Appellant missed scheduled workshops and meetings in September, October, November and December 2013.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably denied the Appellant further income assistance because she failed to demonstrate reasonable efforts to comply with an employment plan as required by section 9 of the EAA and she failed to provide information about any circumstances that interfered with her ability to meet her employment-related obligations, in accordance with section 29 of the EAR.

The following legislation applies to the Appellant's circumstances in this appeal:

EAA

Employment Plan

- 9 (1) For a family unit to be eligible for income assistance or hardship assistance, each applicant or recipient in the family unit, when required to do so by the minister, must
- (a) enter into an employment plan, and (b) comply with the conditions in the employment plan.
- (3) The minister may specify the conditions in an employment plan including, without limitation, a condition requiring the applicant, recipient or dependent youth to participate in a specific employment-related program that, in the minister's opinion, will assist the applicant, recipient or dependent youth to (a) find employment, or (b) become more employable.
- (4) if an employment plan includes a condition requiring an applicant, a recipient or a dependent youth to participate in a specific employment-related program, that condition is not met if the person (a) fails to demonstrate reasonable efforts to participate in the program, or (b) ceases, except for medical reasons, to participate in the program.

The Parties' Positions

The Appellant submitted that she had reasons for not attending several scheduled workshops and meetings, including her illness, her child's illness, a death in the family and focusing on job searches. She did acknowledge that she failed to contact the case manager when she was going to miss a session and chose not to attend other sessions.

In its reconsideration decision, the Ministry determined that the Appellant did not attend the majority of the scheduled workshops and meetings required by her employment plan. The Appellant also did not provide information regarding any circumstances that interfered with her ability to meet her employment plan obligations. Therefore, based on this information, the Ministry was not satisfied that the Appellant demonstrated a reasonable effort to comply with her employment plan and she was denied further income assistance due to non-compliance.

The Panel's Findings and Conclusion

The Panel finds that the Appellant signed an employment plan, under section 9 of the EAA, to continue to be eligible for income assistance. That employment plan required her to attend scheduled meetings with her case manager, and scheduled workshops and training sessions. The Panel finds that the Appellant failed to comply with that plan. She did not attend numerous scheduled sessions and meetings from September through December 2013, despite warnings from the Ministry about the risk of losing her income assistance. The Panel also finds that the Appellant failed on most days to notify her case manager about her absences or provide reasons for her absences. Further, the Panel finds that the Appellant provided no evidence of any medical reasons for being unable to participate in the employment plan, except for a brief illness from October 15-23, 2013. The Panel notes that the Appellant's reasons for some of her absences were provided for this appeal and not to the case

manager or the Ministry as required by her employment plan.

Based on the evidence, the Panel finds that, in accordance with section 9 of the EAA, the Ministry reasonably determined that the Appellant did not demonstrate that she made reasonable efforts to comply with her employment plan and she failed to provide information about any circumstances that interfered with her ability to meet the conditions of that plan. The Ministry therefore reasonably denied the Appellant further income assistance. The Panel confirms the reconsideration decision.