

APPEAL #

### PART C – Decision under Appeal

Under appeal is the ministry's January 3, 2014 reconsideration decision finding the appellant ineligible for hardship assistance, pursuant to section 44 of the Employment and Assistance Regulation, which requires the family unit to include one or more dependent children.

### PART D – Relevant Legislation

**Section A.1 Employment and Assistance Regulation (EAR), Section 44**

## PART E – Summary of Facts

The ministry was not in attendance at the hearing. After confirming the ministry was notified, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation.

The evidence before the ministry at reconsideration was

- the appellant receives income assistance as a sole recipient
- the appellant was not eligible for income assistance in January 2014, having in November 2013 earned employment income in excess of the legislated limit
- on December 12, 2013 the appellant requested hardship assistance for the month of January, but was found by the ministry to be ineligible because the family unit does not include one or more dependent children
- the appellant reported he had not worked since November 30, 2013, used his last pay for his December rent, had no food, no money, and was to become a father of a child soon to be born in another city

At the hearing the appellant said he received his last pay cheque on December 7, 2013, November 30, 2013 being his last day of work. He paid his December rent, the ministry having emphasized the importance of paying the rent. He said he did not receive income assistance for December or January. He did not request income assistance for December, but thinks he should have received it for January because he earned nothing in December. He said he last received income assistance in October. He was denied income assistance for January. He was also denied hardship assistance for January. He needed money for his January rent and food, and had hoped to travel to another city to visit his lady friend and the baby born to her on December 22, 2013. His lady friend lives permanently in the other city.

The appellant said he has lived for five years at his current residence, but has now received a notice of eviction dated January 24, 2014, effective February 6, 2014, relating to rent due January 1, 2014. The appellant submitted as evidence a copy of a receipt for the December 2013 rent and the eviction notice. The panel found this evidence admissible as permitted by section 22(4) of the Employment and Assistance Act, being in support of information before the minister at the reconsideration decision that the appellant was in need of financial support.

Although the appellant may be the father of the child born December 22, 2013, the mother and child do not live with the appellant, or in the same city, nor has the appellant indicated a family or dependency relationship. The panel therefore finds the appellant is a single person with no dependants.

## PART F – Reasons for Panel Decision

The issue is the reasonableness of the ministry's decision that the appellant is not eligible for hardship assistance for the month of January 2014.

### Relevant Legislation

## Section A.2 Employment and Assistance Regulation

### **Family units that have excess income**

*44 The minister may provide hardship assistance to a family unit that is not eligible for income assistance because the income of the family unit exceeds the limit under section 10 [limits on income] if*

*(a) the minister considers that undue hardship will otherwise occur,*

*(b) the applicant provides the type of security specified by the minister for the repayment of the hardship assistance,*

*(c) the family unit includes one or more dependent children, and*

*(d) the income that causes the family unit to be ineligible for income assistance could not, in the minister's opinion, reasonably be expected to be used to meet the family unit's basic needs.*

### Appellant's Position

The appellant states he is without funds, cannot afford food and has received a notice of eviction as he cannot pay his rent. He argues that he is suffering hardship, and should qualify for hardship assistance.

### Ministry's Position

The ministry argues it may provide hardship assistance to those ineligible for income assistance because their income exceeds the legislated limit if, in part, the family unit includes a dependent child. The ministry argues the appellant is a sole recipient of income assistance and does not have a dependent child, and is therefore ineligible for hardship assistance.

### Panel's Decision

The appellant was determined ineligible for income assistance for the month of January 2014 because he had earned more than the legislated limit. The appellant then applied for hardship assistance for January, and was turned down. Section 44 of the Employment and Assistance Regulation allows the ministry to provide hardship assistance if a "family unit" is ineligible for income assistance because its income exceeds the legislated limit, subject to certain conditions. The

APPEAL #

condition upon which the ministry relied in denying hardship assistance to the appellant is that the "family unit" must include one or more dependent children. Based on the evidence presented, the panel finds as the appellant is a single person with no dependants, the ministry's decision that he was ineligible to receive the requested benefit was reasonably supported by the evidence, and confirms the ministry's decision.