

**PART C – Decision under Appeal**

The decision under appeal is the Ministry of Social Development and Social Involvement (the Ministry) reconsideration decision dated April 30, 2014 in which the Ministry denied the appellant's application for income assistance for failing to provide information pursuant to section 10 of the *Employment and Assistance Act* (EAA) and section 32 (1) of the *Employment and Assistance Regulation* (EAR).

**PART D – Relevant Legislation**

*Employment and Assistance Act* (EAA) section 10  
*Employment and Assistance Regulation* (EAR) section 32(1)

## PART E – Summary of Facts

With the consent of the parties, the appeal hearing was conducted in writing in accordance with section 22(3)(b) of the *EAA*.

The applicant is a sole applicant with no dependants

The evidence before the Ministry at reconsideration consisted of the applicant's Request for Reconsideration dated April 7, 2014 where she advised that:

- she suffered personal issues and several medical conditions,
- she has had no income since March 2009 and is finished with her savings and financial support from family,
- she had to remain outside Canada for family reasons and is struggling to get back her productivity and livelihood, and
- she has accumulated loans and debt on credit cards to meet living expenses. Her uncle has stopped any further financial support. She owes her family more than \$50,000.

Other evidence before the Ministry at reconsideration includes:

- Four photographs of unidentified people;
- Account details of a credit card showing a balance owing of \$5434.73 and a payment on March 5, 2014 of \$679.00, but no identifying information;
- An undated bank statement showing various transactions between March 6, 2014 and April 1, 2014 but no identifying information (the name of the bank is not provided, or the account holder);
- An email dated March 16, 2014 to the appellant from her uncle stating that he can no longer support the appellant, is currently out of the country and will have her removed as a joint account holder after his return.
- A note from a bank where the joint account is held (not dated) stating that the bank cannot remove any person from a joint name account for any reason and the customer needs to close the account and open a single name account.

Also before the Ministry at reconsideration was the Request for Reconsideration dated April 7, 2014, including the Decision to be Reconsidered which states:

- On February 17, 2014 the appellant attended a face to face meeting at the Ministry offices with an advocate.
- At that meeting the appellant provided, among other things, bank statements covering November 17, 2014 to February 17, 2014, showing various deposits. The appellant explained these deposit entries as being withdrawals from a joint account that she held with her uncle.

- The Ministry asked the appellant to submit bank statements for the past 3 months from her two joint bank accounts with her uncle.
- The appellant told the Ministry that her uncle could no longer support her and did not give her permission to provide the joint bank account information to the Ministry.
- On February 24, 2014 and on March 3, 2014 the Ministry telephoned the appellant and reminded her that she needed to provide bank statements in order to determine her eligibility.

On March 11, 2014 the appellant was denied income assistance because she failed to provide information and verification as required by the Ministry to determine eligibility of income assistance.

In her Notice of Appeal the appellant stated that she had no money and no income and her doctor gave her a note saying that she should be on permanent disability.” The doctor’s note dated 13 May 2104 was attached to the appellant’s notice of appeal and on it, the doctor has written that the appellant “qualifies for permanent disability.”

The panel admits the doctor’s note dated May 13, 2014 pursuant to the EAA section 22 (4) as written testimony in support of the information that was before the Minister at reconsideration (the appellant submitted several pages outlining various medical conditions and ailments with her request for reconsideration). The panel notes that the Ministry did not oppose the admission of the doctor’s note. The panel notes, however, that the doctor’s note and medical ailments listed do not directly relate to the specific issue being considered in this appeal, namely the appellant’s failure to provide information requested by the Ministry. The appellant did not suggest in her submissions that her medical condition related in any way to her inability to provide the information requested. As a result the panel gives no weight to the doctor’s note of May 13, 2014.

## PART F – Reasons for Panel Decision

The issue to be decided on this appeal is whether the Ministry's reconsideration decision, which found that the appellant was not eligible for income assistance for not providing information, was reasonably supported by the evidence or a reasonable application of the applicable enactment in the circumstances of the appellant.

The following legislation is relevant to this appeal.

### **EAA, section 10**

#### *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.

### **EAR, section 32:**

#### *Consequences of failing to provide information or verification when directed*

**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 Ministry's position**

The Ministry's position is as follows:

- The Ministry asked the appellant three times to provide bank statements from two joint accounts held with her uncle, first in person with an advocate in attendance and twice by telephone.
- The appellant failed to provide this information and thus was denied income assistance under section 10(4) of the EAA.
- The appellant has not yet provided these bank statements to the Ministry.
- Although the appellant said that her uncle could no longer support her and intended to remove her as a joint account holder, he has not done so.
- By law, the Ministry is required to collect certain information to determine eligibility. Without this information it cannot proceed with the application for income assistance.
- Although the note from the bank states that the bank cannot remove any one person from a joint name account for any reason and the customer needs to close the joint account and open an individual account, the appellant has not done so.

### **The appellant's position**

The position of the appellant is that she has no money and no income. She is no longer being supported by her uncle and her uncle will remove her as a joint account holder as soon as he returns from away. She is in great need of money to cover immediate living expenses, car insurance, health costs and other expenses.

The panel notes that the appellant does not argue that she did not understand the Ministry's request (in fact, an advocate accompanied the appellant to her first meeting in February with the Ministry when the request was made). There is also no evidence that the listed physical and mental ailments suffered by the appellant are in any way related to her failure to provide the requested information.

### **The panel's decision**

The EAA requires under section 10 that for a person to be eligible for income assistance, he or she must supply verification of any information supplied or received by the Minister if that information relates to his or her eligibility. It also states that if a person fails to comply with the Ministry's request, the Minister may declare the person ineligible for income assistance. The EAR section 32 states that the recipient remains ineligible until the recipient complies.

The evidence shows that the appellant understood the Ministry's request that she provide financial information and specifically bank statements from two joint accounts. She was informed about the need to provide the bank statements in a face to face meeting, once over the telephone and once in a voice message. The panel also acknowledges that although the appellant is trying to get her name removed from the joint bank accounts, and her uncle has promised to help her, there was no evidence before the panel that she has done so.

Accordingly the panel finds that the Ministry's reconsideration decision, which found that the appellant was not eligible for income assistance for not providing information pursuant to EAA section 10 and remains ineligible pursuant to EAR section 32 was reasonably supported by the evidence and a reasonable application of the applicable enactment in the circumstances of the appellant. The panel confirms the Ministry's reconsideration decision.