

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry)'s Reconsideration decision dated June 17, 2014 wherein the ministry denied the appellant's request for income assistance for June 2014 after determining that the appellant had income in excess of the prescribed limits in April 2014, pursuant to the *Employment and Assistance Regulation*, Sections 1, 10 and 28 and Schedules A and B.

PART D – Relevant Legislation

Employment and Assistance Regulation, Sections 1, 10 and 28
Employment and Assistance Regulation, Schedules A and B.

PART E – Summary of Facts

The appellant is a sole recipient of income assistance and receives \$235 for support and \$375 for shelter, less a \$20 repayment to the ministry, owed for a prior debt. On June 3, 2014 the appellant was advised by the ministry that based on her April 2014 employment income, she would not be receiving an income assistance cheque for June 2014 because her employment income was in excess of allowable income assistance rates. On June 15, 2014 the appellant requested reconsideration of that decision.

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

- 1) A copy of the appellant's bank account statements for April and May 2014, dated June 3, 2014, indicating payroll deposits on May 22, 2014 (\$390.21), May 7, 2014 (\$506.84), April 22, 2014 (\$422.29) and April 7, 2014 (\$422.29). This statement did not include any identifying information (letterhead or verification stamp) from the banking institution.
- 2) The appellant's Request for Reconsideration (RFR), dated June 15, 2014 and signed by the appellant. In Section 3 of the RFR, the appellant states that she has tried again to get help from family and friends and she wanted to go back to work but her three of her family members were killed in a recent car accident. She adds that she really needs help and is under a lot of stress and does not know who else to ask.

In her Notice of Appeal the appellant states that she desperately needs help for food and other bills and that she has sent a disability package to the ministry. A handwritten letter from the appellant was included with the Notice of Appeal. In the letter the appellant states that she has not been working since May 2014 and has had no income of any kind since then. She states that her doctor has taken her off work due to back pain. She explains that she has tried to get help from family, friends and other resources but was unsuccessful. The appellant states that she is behind on her rent for the month of June and doesn't want to lose her place to live. She adds that she is going through so much right now, with the loss of her family members, and doesn't like asking for help but really needs it now for food and other things.

In the Reconsideration Decision, the ministry states that under section 10 of the EAR a family unit is not eligible for income assistance if the amount of income equals or exceeds the total of monthly support and shelter allowances. The ministry calculated the appellant's employment income for the month of April to be \$844.58 which exceeds her support and shelter allowance of \$590 (\$610-\$20 repayment). The ministry added that because the appellant is employable, does not have PPMB or a dependent child, she is eligible for the \$200 exemption of earned income, however when this exemption is included, she remains ineligible for June income assistance due to income in excess of the eligible rate.

The appellant did not attend the hearing. Having confirmed that the appellant was notified of the hearing, the panel proceeded with the hearing pursuant to EAA section 86(b).

The ministry relied on the information within the reconsideration decision and otherwise submitted no new information.

PART F – Reasons for Panel Decision

The issue on this appeal is whether the ministry reasonably concluded that the appellant is not eligible for income assistance due to income in excess of the prescribed limits pursuant to the *Employment and Assistance Regulation*, Sections 1, 10 and 28 and Schedules A and B.

In arriving at its reconsideration decision, the ministry relied upon the following legislation:

Employment and Assistance Regulation applied to this decision:

Section 1

Definitions

1 (1) In this regulation:

“earned income” means

- (a) any money or value received in exchange for work or the provision of a service,
- (b) Repealed (B.C. Reg.197/2012)
- (c) pension plan contributions that are refunded because of insufficient contributions to create a pension,
- (d) money or value received from providing room and board at a person’s place of residence, or
- (e) money or value received from renting rooms that are common to and part of a person’s place of residence;

Section 10

Limits on income

- (1) For the purposes of the Act and this regulation, “income”, in relation to a family unit, includes an amount garnished, attached, seized, deducted or set off from the income of an applicant, a recipient or a dependant.
- (2) A family unit is not eligible for income assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of income assistance determined under Schedule A for a family unit matching that family unit.

Section 28

Amount of Income Assistance

Income assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than

- (a) the amount determined under Schedule A, minus
- (b) the family unit’s net income determined under Schedule B.

Schedule A

Income Assistance Rates

Maximum amount of income assistance before deduction of net income

1 (1) Subject to this section and section 3 and 6 to 10 of this Schedule, the amount of income assistance referred to in section 28 (a) [amount of income assistance] of this regulation is the sum of (B.C. Reg. 48/2010) (B.C. Reg. 197/2012)

- (a) the monthly support allowance under section 2 of this Schedule for a family unit matching the family unit of the applicant or recipient, plus

(b) the shelter allowance calculated under sections 4 and 5 of this Schedule.

Section 2

Monthly support allowance

2(1) A monthly support allowance for the purpose of section 1 (a) is the sum of
 (a) the amount set out in Column 3 of the following table for a family unit described in Column 1 of an applicant or a recipient described in Column 2, plus
 (b) the amount calculated in accordance with subsections (2) to (4) for each dependent child in the family unit. (B.C. Reg. 197/2012)

Item	Family unit composition	Age or status of applicant or recipient	Amount of support
1	Sole applicant/recipient and no dependent children	Applicant/recipient is under 65 years of age	\$235.00

Monthly shelter allowance

2(2) The monthly shelter allowance for a family unit to which section 15 (2) of the Act does not apply is the smaller of (B.C. Reg. 73/2010)
 (a) the family unit's actual shelter costs, and
 (b) the maximum set out in the following table for the applicable family size:

Item	Family Unit Size	Maximum Monthly Shelter
1	1 person	\$375

Schedule B

Net Income Calculation

Deduction and exemption rules

1. When calculating the net income of a family unit for the purposes of section 28 (b) [amount of income assistance] of this regulation,

- (c) all earned income must be included, except the deductions permitted under section 2 and any earned income exempted under sections 3 and 4 of this Schedule, and
- (d) all unearned income must be included, except the deductions permitted under section 6 and any income exempted under sections 7 and 8 of this Schedule.

Exemption – earned income

3(1) Subject to subsection (2), the amount of earned income calculated under subsection (6) is exempt for a family unit.

(6) The exempt amount for a family unit that qualifies under this section is calculated as follows:

- (a) in the case of a family unit to which subsection (3) applies, the exempt amount is calculated as the lesser of
 - (i) \$200, and
 - (ii) the family unit's total earned in come in the calendar month calculation.

The panel finds that Sections 1, 10, 28 and Schedules A and B of the EAR clearly sets out the definition of earned income, the limits on such income and the calculation used to determine eligibility for income assistance, specifically:

- a) The appellant's earned income for the month of April 2014 was \$844.58.
- b) The appellant's monthly income assistance is \$590 (\$235 support + \$375 shelter - \$20 repayment) in accordance with Section 2(1)(a) and 4(2) of Schedule A.
- c) The appellant is eligible for a \$200 exemption of earned income, however \$844.58 (income) - \$590.00 (support allowance) = \$254.58 in accordance with Schedule B 3(6).

The panel finds that under Section 10, the appellant is not eligible for income assistance if the amount of income equals or exceeds the total of monthly support and shelter allowances.

The panel finds that even when the \$200 exemption is applied to the appellant's earned income for the month of April, which impacts June income assistance, her income remains in excess of rate for which she is eligible for income assistance.

Conclusion

In conclusion, the panel finds that the ministry's decision to deny the appellant income assistance for June, due to income in excess of the legislated limit, under Section 10 of the EAR, was reasonably supported by the evidence and a reasonable application of the legislation in the circumstances of the appellant. The panel thus confirms the ministry's decision.