

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of June 20, 2014, wherein the ministry determined that the appellant was no longer eligible for income assistance in accordance with section 32(1) of the Employment and Assistance Regulation. The basis for the determination was that the appellant failed to comply with the ministry’s direction to provide information as required under section 10 of the *Employment and Assistance Act*.

PART D – Relevant Legislation

Employment and Assistance Act (“EAA”), section 10
Employment and Assistance Regulation (“EAR”), section 32(1)

PART E – Summary of Facts

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

- The appellant is a sole employable recipient of income assistance with no dependants.
- A letter from the ministry to the appellant dated February 13, 2014 asking the appellant to provide information including:
 - Rent receipts for the period November 2013 to February 2014, inclusive.
 - Bank profile listing all asset and liability accounts, sole or joint, from all banks used by the appellant.
 - Transaction statements for all bank accounts for the period September 1, 2013 to February 13, 2014.
- Letters from the ministry to the appellant dated March 11 and March 24, 2014 asking the appellant to provide information including:
 - Bank profile/customer account summary listing all asset and liability accounts, sole or joint, that the appellant had for each bank he used.
 - Transaction statements for all bank accounts, sole or joint, for the period of January 1, 2012 to February 28, 2014.
 - Documentation – vessel registration for the appellant's boat and the value of the boat.
- Transaction statements for the appellant's bank account for the period September 6, 2013 to February 24, 2014.

In his oral testimony on appeal, the appellant stated that he didn't understand the ministry's decision because he had provided all the information that the ministry had asked for. In response to questions from the ministry, the appellant responded that:

- He had provided such registration information as he had for his boat, but acknowledged that he had provided no supporting information as to its value. He stated that he paid about \$500 for the boat, and that it required work.
- The bank transaction statements that he had provided did not cover the entire period requested by the ministry.

In his oral testimony the ministry representative stated that the appellant had subsequently provided the requested bank profile/customer account summary so that documentation was no longer at issue. In response to a question from the panel as to what would constitute acceptable evidence of valuation for the boat, the ministry responded that a bill of sale or a written assessment from a boat dealer are potential routes for valuation.

Admissibility of Additional Information

The oral testimony of the appellant and the ministry representative provided additional supporting detail with respect to issues that were before the ministry at the time of reconsideration. The panel admitted this information into evidence as oral testimony in support, in accordance with section 22(4) of the EAA.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision of June 20, 2014, wherein the ministry determined that the appellant was no longer eligible for income assistance in accordance with section 32(1) of the EAR. The basis for the determination was that the appellant failed to comply with the ministry's direction to provide information as required under section 10 of the EAA.

The relevant legislative provisions are as follows:

EAA

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**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.

* * *

The appellant's position is that he did not understand the reasons for the ministry's decision and thought that he had provided all the information that the ministry had directed him to provide. He argued that it would be expensive for him to take the boat to a dealer to get an assessment of value.

The ministry's position is that the appellant has not provided bank statements for the full period requested by the ministry, and that he has not provided the requested information confirming the value of his boat. The ministry argued that it cannot determine the appellant's eligibility for income assistance until the appellant provides the requested information.

Panel Decision

Section 10 of the EAA gives the ministry broad powers to require a recipient to provide information and verification as part of determining or verifying eligibility. In the current case, the appellant provided bank transaction statements for the period initially requested by the ministry, but he acknowledges that he hasn't provided information for the longer period subsequently requested. He also acknowledges that he hasn't provided the requested information regarding valuation of his boat.

Despite the appellant's concerns regarding the cost of getting an assessment of the boat's value, there are various options for obtaining a valuation that the appellant had not yet explored.

Considering the evidence as a whole, the panel concludes that the ministry reasonably determined that the appellant had failed to provide information as directed under section 10 of the EAA. Section 10(4) of the EAA provides that if a recipient fails to comply with a direction, the ministry may declare the family unit ineligible for a prescribed period. The period prescribed in section 32(1) of the EAR is "...until the applicant or recipient complies with the direction."

For these reasons, the panel finds that the ministry's decision that the appellant is ineligible for income assistance until he complies with the ministry's direction under section 10 is a reasonable application of the legislation in the appellant's circumstances. Accordingly, the panel confirms the ministry's decision.