



### PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the ministry) dated 21 July 2014 that found that the appellant is ineligible for income assistance under section 10 of the Employment and Assistance Act because she did not provide information as directed by the minister, specifically information regarding the status of her Insurance Corporation of British Columbia (ICBC) claim, and that under section 32 of the Employment and Assistance Regulation she will be ineligible for income assistance until she provides the required information

### PART D – Relevant Legislation

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

[REDACTED]

## PART E – Summary of Facts

With the consent of parties, the hearing was conducted in writing pursuant to section 22(3) (b) of the *Employment and Assistance Act*.

The evidence before the ministry at reconsideration, as summarized in the reconsideration decision, consisted of the following:

- On 30 April 2014 the appellant attended the local office. Upon review of her file, the worker found that the appellant was in a car accident in the first week of March and had not worked since, pending an ICBC claim for the accident. The appellant's June 2014 assistance was put on hold pending submission of ICBC documentation and an update of her status with ICBC.
- On 03 June 2014 the appellant updated the ministry on the status of her ICBC claim. She stated that her ex-spouse was not ready to settle as he was a passenger in the vehicle when she had the accident. She stated that she had no income for March 2014. The appellant was not able to provide a claim number, and was instructed to present verification from ICBC confirming her statement and documentation that she has not received any funds.
- On 04 June 2014 the ministry made multiple attempts to contact the appellant regarding further eligibility issues, with no success. The phone numbers on file were not in service.
- On 05 June 2014 the appellant attended the local office and was requested to submit the following information: 60 day work search, notice of income tax assessment, 90 day bank statement, new shelter information and ICBC information. The worker made a list of these documents for her to take; however she left the list behind.
- On 14 June 2014 the appellant attended the local office for her June assistance. The worker noted issues on file regarding the appellant's living situation, income and compliance with her employment plan and stated that the appellant had not submitted all the documents and information requested by previous workers.
- On 16 June the appellant amended her updated shelter information, stating that she submitted this once already and the ministry misplaced it. Her tenancy was effective 01 December 2013.
- On 17 June the appellant requested a Request for Reconsideration package regarding the decision to deny June 2014 assistance because of failure to provide information.
- The appellant's Request for Reconsideration, dated 20 June 2014. The appellant writes:  
"I feel I have given the ministry all the information they requested. I am also willing to give the additional information they have requested [but] I need time to gather that information. I have received a 10 day notice to vacate my home as a result of not receiving my assistance cheque this month."

The ministry noted that on 10 July 2014 the appellant was sent a letter requesting the following information with the deadline to submit the documents by 22 July 2014: rent receipts for the last two months, pay statements for all income, record of the employment from January 2013 to present, statements for all bank accounts for the period March 2014 to present, statements for all investments, RRSP's, pension funds and any other assets, income tax notices of assessment for 2012 and 2013 and the confirmation of earnings to be completed by her employer.

In her Notice of Appeal, dated 08 August 2014, the appellant wrote: "I feel I have provided the ministry with the documentation they have asked for."



The appellant provided no submission for the written hearing.

In an e-mail dated 28 August 2014, the ministry stated that its submission in this matter will be the reconsideration summary provided in the Record of Ministry Decision.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry reasonably found that the appellant is ineligible for assistance. More specifically, the issue is whether the ministry's decision, which determined that the appellant is ineligible for income assistance under section 10 of the EAA because she did not provide information as directed by the minister, specifically information regarding the status of her ICBC claim, and that under section 32 of the EAR she will be ineligible for income assistance until she provides the required information, is reasonably supported by the evidence or is a reasonable application of the legislation in the circumstances of the appellant.

The relevant legislation is from the 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.

And from the EAR:

### Definitions

1 (1) In this regulation:

"**unearned income**" means any income that is not earned income, and includes, without limitation, money or value received from any of the following:

- (d) insurance benefits, except insurance paid as compensation for a destroyed asset;

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

[Redacted]

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.

In the reconsideration decision, the ministry notes that the appellant had been requested to submit a set of documentation as outlined in the letter dated 10 July 2014, with the deadline for submission of 22 July 2014. As this deadline has not been reached by the time of the reconsideration decision, the ministry did not deny income assistance for failure to provide this documentation. However, the outstanding issue is the requested verification from ICBC regarding the appellant's claim from a car accident in March 2014.

The position of the ministry is that the appellant has been given ample time and multiple opportunities to provide the requested information between 30 April 2014 and when she was denied income assistance on 05 June 2014. However, verification from her ICBC claim status and documents to confirm she has not received any income from her claim has not been submitted to date. The ministry concluded that the information requested was reasonable to complete its review and is required to determine the appellant's ongoing eligibility for assistance. As the appellant has not provided the requested information, the ministry determined that she is not eligible for income assistance. Pursuant to section 32 of the EAR, she is ineligible for assistance until she provides the required information.

The appellant's position, as explained in her Notice of Appeal, is that she feels she has provided the ministry with the documentation it has asked for.

*Panel decision*

The evidence from the ministry's files, undisputed by the appellant, is that the appellant was in a car accident in the first week of March 2014 and subsequently filed a claim with ICBC. On 30 April 2014 the appellant attended the local ministry office and was advised of the need to submit ICBC documentation and an update of her status with ICBC. Meanwhile her June 2014 assistance was put on hold. On 03 June 2014 the appellant advised the ministry that her ex-spouse was not ready to settle as he was a passenger in the vehicle when she had the accident. The appellant was instructed to present verification from ICBC confirming her statement and documentation that she has not received any funds. While the appellant states that she feels she had provided the ministry with the documentation it asked for, the ministry states that verification from the appellant's ICBC claim status and documents to confirm that she has not received any income from her claim has not been submitted. The panel notes that the appellant did not provide any information in her Request for Reconsideration or in her Notice of Appeal that would demonstrate that such documentation had been submitted to the ministry.

As an ICBC claim settlement might involve income – that is, unearned income as defined in section 1 of the EAR – and thus affect her eligibility for income assistance, the panel finds that the ministry was reasonable in relying on its authority under section 10(1) of the EAA to audit her eligibility for income assistance by directing the appellant to supply information on the status of her claim. And since there is no record of the appellant providing documentation from ICBC on the status of her claim as directed by the ministry, the panel finds the ministry was reasonable in finding the appellant not eligible for income assistance under section 10(4) until the appellant complies with the ministry's

direction and provides the required information, in accordance with section 32(1) of the EAR.

Accordingly, the panel finds that the ministry's decision that the appellant is not eligible for income assistance until she provides the required information is reasonably supported by the evidence. The panel therefore confirms the ministry's decision.