



**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 July 14, 2014, in which the ministry denied the appellant's request to waive a sanction due to the appellant's failure to provide accurate information. The ministry was satisfied that the appellant received her inheritance in December 2013, and as a result determined that the appellant was required to declare her inheritance income by January 5, 2014, as per s. 29 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry further determined that while the appellant did advise the ministry of her inheritance January 20, 2014, she failed to declare the information on her stub for continued assistance by January 5, 2014. Therefore, as the appellant failed to provide accurate information by declaring her inheritance income by January 5, 2014, and as this is her first determination for inaccurate reporting, she is subject to a \$25.00 reduction of her disability assistance for the months of July, August and September 2014, as per s.28.1 of the EAPWDR.

**PART D – Relevant Legislation**

Employment and Assistance for Persons with Disabilities Act (EAPWDA) sections 11, and 14.1  
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) sections 28.1 and 29



## PART E – Summary of Facts

Evidence before the ministry at the time of Reconsideration includes the following:

- The appellant's Request for Reconsideration signed by the appellant July 3, 2014. In Section 3 of this document the appellant presents arguments as to why she believes the ministry's decision is unreasonable, which are addressed later in the Reasons section of this decision.
- A letter from the ministry to the appellant dated June 10, 2014, which among other things reports that for not taking the steps necessary to ensure accuracy and completeness when reporting her inheritance to the ministry, a sanction in the amount of \$25.00 per month for three months will be imposed.
- A copy of the appellant's Monthly Report, for continued assistance, signed by the appellant and dated January 23, 2014. In this report the appellant declares 0 beside all sources of income. The appellant also provided handwritten reasons on the side of this document for disagreeing with the ministry decision, which the panel will address later in the Reasons section of this decision.
- A copy of a letter and accompanying cheque sent to the appellant from a company dated November 15, 2013, informing her of her inheritance of \$18,964.91.
- Various bank account statements and other financial reports.

After the reconsideration decision and prior to the hearing, the appellant submitted a Notice of Appeal in which she requested that her appeal hearing be in writing. The appellant also included additional argument as to why she believes the ministry's reconsideration decision to be unreasonable, which are addressed later in the Reasons section of this decision.

### Findings of Fact:

- The appellant is a sole recipient of disability assistance.
- The appellant received an inheritance cheque in the amount of \$18,964.91 in December 2013.
- The appellant reported her inheritance to the ministry January 20, 2014.
- The appellant submitted her signed Monthly Report to the ministry January 23, 2014, reporting 0 income for the month of December 2013.

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## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's determination that the appellant is subject to a \$25.00 reduction of her disability assistance for the months of July, August and September 2014, was a reasonable application of the legislation or reasonably supported by the evidence. The ministry was satisfied that the appellant received her inheritance in December 2013, and as a result determined that the appellant was required to declare her inheritance income by January 5, 2014, as per s. 29 of the EAPWDR. The ministry further determined that while the appellant did advise the ministry of her inheritance January 20, 2014, she failed to declare the information on her stub for continued assistance by January 5, 2014. Therefore, as the appellant failed to provide accurate information by declaring her inheritance income by January 5, 2014, and as this is her first determination for inaccurate reporting, she is subject to a \$25.00 reduction of her disability assistance for the months of July, August and September 2014, as per s.28.1 of the EAPWDR. In arriving at this decision the ministry relied upon the following information as set out below:

### Employment and Assistance for Persons with Disabilities Regulation

(A) Consequences for providing inaccurate or incomplete information

**28.1** If the minister determines under section 14.1 (1) of the Act that the minister may take action under section 14.1 (2) of the Act in relation to a family unit, the disability assistance or hardship assistance provided to or for the family unit may be reduced by \$25 for

(a) a first determination, for the next 3 calendar months for which disability assistance or hardship assistance is provided to or for the family unit, starting with the first calendar month

(i) following the calendar month in which the minister made the determination, and (ii) for which disability assistance or hardship assistance is provided to or for the family unit,

(B) Monthly reporting requirement

**29** For the purposes of section 11 (1) (a) [*reporting obligations*] of the Act,

(a) the report must be submitted by the 5th day of the calendar month following the calendar month in which one or more of the following occur:

(b) the information required is all of the following, as requested in the monthly report form prescribed under the Forms Regulation:

(i) change in the family unit's assets;

(ii) change in income received by the family unit and the source of that income;

### Employment and Assistance for Persons with Disabilities Act

(C) Reporting obligations

**11** (1) For a family unit to be eligible for disability assistance, a recipient, in the manner and within the time specified by regulation, must

(a) submit to the minister a report that

(i) is in the form prescribed by the minister, and

(ii) contains the prescribed information, and (B.C. Reg. 265/2002)

(b) notify the minister of any change in circumstances or information that

(i) may affect the eligibility of the family unit, and

(ii) was previously provided to the minister.

(2) A report under subsection (1) (a) is deemed not to have been submitted unless the accuracy of the information provided in it is affirmed by the signature of each recipient.

(D) Consequences for providing inaccurate or incomplete information

- [ ]
- 14.1 (1)** The minister may take action under subsection (2) if the minister determines that
- (a) disability assistance, hardship assistance or a supplement was provided to or for a family unit that was not eligible for it,
  - (b) the disability assistance, hardship assistance or supplement was provided to or for the family unit either
    - (i) on the basis of inaccurate or incomplete information provided by the applicant or recipient
    - (A) under section 10 (1) (e) [information and verification], or (B) in a report under section 11 (1) [reporting obligations], or
    - (ii) because the recipient failed to report as required under section 11 (1), and
  - (c) the minister's opinion, the applicant or recipient failed to take the necessary steps to ensure the accuracy or completeness of the information before providing it to the minister.

The ministry's position is that as the appellant failed to submit her Monthly Report for continued disability assistance by January 5, 2014, and failed to provide accurate information by declaring her inheritance income from December 2013, on the Monthly Report that she submitted to the ministry January 23, 2014. As this was her first determination for inaccurate reporting, the ministry determined that she is subject to a \$25.00 reduction of her disability assistance for the months of July, August and September 2014.

In its Reconsideration Decision the ministry argued that although the appellant advised the ministry of her \$18,964.91 inheritance received in December 2013, on January 20, 2014, she failed to meet the requirement set out in s.29 of the EAPWDR which states that a report must be submitted by the 5<sup>th</sup> day of the calendar month following the calendar month in which a change in income was received by the family unit, and the source of that income. Furthermore, the ministry argued that the information the appellant did submit in her Monthly Report for December 2013, dated January 23, 2014, was neither accurate nor complete as it failed to include the \$18,964.91 inheritance she received in the month of December 2013. For this reason the ministry argued that the appellant failed to meet the legislative requirements set out in s.11 of the EAPWDA, which states that for a family unit to be eligible for disability assistance, a recipient must submit to the minister a report and notify the minister of any information that may affect their eligibility and that the report be signed by the recipient affirming its accuracy.

The ministry further argued that based on the inaccurate and incomplete information submitted in the appellant's January 23, 2014, Monthly Report, the minister may reduce the amount of disability assistance received by the appellant as set out in Section 14.1 of EAPWDA. In conclusion the ministry argued that as the assistance was provided to the appellant as per s.14.1 of the EAPWDA, under s.28.1 of the EAPWDR the minister may reduce the family unit's disability assistance by \$25.00 for three calendar months at the first determination and that this deduction will begin the first calendar month following the month in which the minister made the determination.

The appellant's position is that she provided all the accurate information as soon as she was able. She could not phone or come in earlier because she is autistic, and to impose this sanction on her for a minimal delay in reporting due to her special needs is tantamount to discrimination. She is disabled and should be accommodated. Adding to the difficulties she normally faces was the time of year: the Christmas season makes being in public substantially harder due to extreme anxiety and agoraphobia and the bad weather was also troublesome as she lives in a rural location.

The appellant also argued that she did not fail to declare her income/assets at the end of her monthly report (due January 5). The stub was submitted late due to her disabilities and was not filled out properly due to her lack of comprehension. Since there was no space for "inheritance", she filled out the stub as seen in an attached photo copy and brought it up to the desk to ask for assistance and to personally report the inheritance amount. While

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there, she filled out a second stub properly, and in her Notice of Appeal asks "where is this! why was it not kept on file". She further argued that she did not understand how to handle the situation and can not be blamed due to her disability.

The appellant argued in her Notice of Appeal and Request for Reconsideration, that due to being autistic, suffering from chronic physical pain, extreme anxiety and agoraphobia, January 20, 2014, was the earliest date that she could report her inheritance to the ministry. While the panel acknowledges the difficulties that may have arisen as a result of the appellant's disabilities, the panel finds there is no discretion in the legislation to allow for the reporting of an overdue declaration of income, which in this case was by January 5, 2014. The panel further finds that as the appellant failed to advise the ministry of her \$18,964.91 inheritance received in December 2013, until January 20, 2014, the ministry reasonably determined that she failed to meet the requirement set out above in s.29 of the EAPDR.

The panel further finds that while the appellant argues in her Request for Reconsideration that her stub was submitted late and was not filled out properly due to her lack of comprehension she also argued that she completed the stub as seen in an attached photo copy and brought it up to the desk to ask for assistance and to personally report the inheritance amount. She also argued that, while there, she filled out a second stub properly which for some reason is not included in the record. She further argued that she did not understand how to handle the situation and can not be blamed due to her disability and due to a lack of instruction. The panel finds that as this is a written hearing, at the appellant's request, the only information available to the panel is that which is included in the Record. Therefore, based on the available information, the panel finds the ministry reasonably determined that the information the appellant submitted in her Monthly Report for December 2013, dated January 23, 2014, was neither accurate nor complete as it failed to include the \$18,964.91 inheritance she received in the month of December 2013, and for this reason failed to meet the legislative requirements set out above in s.11 of the EAPWDA, which states that for a family unit to be eligible for disability assistance, a recipient must submit to the minister a report and notify the minister of any information that may affect their eligibility and that the report be signed by the recipient affirming its accuracy.

The panel also finds that the ministry reasonably concluded that as inaccurate and incomplete information was submitted to the ministry in the appellant's January 23, 2014, Monthly Report, the ministry reasonably determined that it can reduce the amount of disability assistance received by the appellant as set out in Section 14.1 of EAPWDA. Furthermore, under s.28.1 of the EAPWDR the minister may reduce the family unit's disability assistance by \$25.00 for a first determination, the next three calendar months for which disability assistance is provided.

In conclusion the panel finds, based on the evidence presented and the applicable legislation set out above, the ministry reasonably determined that, as this is the appellant's first determination for inaccurate reporting, she is subject to a \$25.00 a moth reduction for three calendar months July, August and September of 2014. The panel therefore confirms the ministry's decision.