



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the Ministry) reconsideration decision dated June 30, 2014 which held that the appellant was not eligible for income assistance because he failed to comply with the terms and conditions of his employment plan as required by Section 9(1) of the Employment and Assistance Act (EAA) by failing to demonstrate reasonable efforts to participate in his employment-related program as per 9(4).

PART D – Relevant Legislation

Employment and Assistance Act (EAA) Section 9

PART E – Summary of Facts

The evidence before the Ministry at the time of reconsideration consisted of: :

- An Employment Plan (EP) signed by the appellant and dated May 29, 2014. The terms of the EP include that the appellant:
 - Will attend appointments with the Employment Program of British Columbia (EPBC) contractor;
 - Will participate in EPBC programming regularly and as directed by the EPBC contractor;
 - Will work with the EPBC to address any issues that may impact his employability;
 - Will complete all tasks assigned including any activities that may be set out in an action plan;
 - Will notify the EPBC contractor if unable to attend a session or when he starts or ends any employment;
 - By signing, acknowledges that if he fails to comply with the conditions of the EP or ceases, except for medical reasons to participate in the program, he will be ineligible for assistance.
- A record of contacts between the Ministry and the appellant, and with the provider of the EPBC:
 - May 29, 2014 – An EPBC referral was provided;
 - June 2, 2014 – The appellant did not attend a scheduled Group Orientation session and did not phone or voice message to cancel or reschedule;
 - June 2, 2014 – An EPBC worker phoned the appellant who stated he was very busy that day and forgot; he told the worker that had another appointment the next morning at 9:00. The worker advised the appellant that he needs to attend that appointment and be in full compliance with the program by June 20, 2014 or assistance will be denied;
 - June 20, 2014 – An EPBC worker reviewed the appellant's file and found that it was still closed and had not been re-opened; thus he had not contacted EPBC or rescheduled any appointment since he had last spoken to the Ministry.
- A letter from the Ministry dated June 25, 2014 informing the appellant that as he had not followed through with the requirements of EP he is not eligible for income assistance.

The appellant provided the following reasons for his Request for Reconsideration:

- He is very serious about finding gainful employment;
- He is very sorry for not attending the EPBC meeting;
- Ever since he realized his company was not answering his requests for employment his life has been spiraling out of control at the same time [he] was trying to get on "S.A.";
- He was trying to save his apartment, get his son out on his own after looking after his son's room and board;
- He was trying to force the company he worked with for 8 ½ years to employ him;
- He knows he can find a job by the end of July whether it be a seasonal or preferably a year round job;
- If he cannot pay his rent he will be living out of "social assistance paid room at the homeless

shelter for a long time”;

- He has applied for all kinds of jobs, seasonal and year round employment;
- He is applying for any job but in the end he will be looking for a year round job so he wouldn't have to deal with Employment Insurance or Social Assistance;
- He is having a tough time eating, sleeping or concentrating which he feels is making any search for employment very hard;
- If he loses his apartment finding another is next to impossible;
- He will sign and closely comply with all his expectations;
- He hasn't been on Social Assistance in years and didn't realize how crucial the EPBC was; now he would like to take some of these courses through the EPBC provider.

Admissibility of New Information

The appellant filed a Notice of Appeal which was received by the Employment and Assistance Appeal Tribunal on July 10, 2014. In the Notice of Appeal, dated July 10, 2014 the appellant states that “Being a person who has not had any experience in being unemployed for many years, [he] was torn between begging for [his] job and going to Social Assistance. [He] honestly thought the company [he] was employed with had a legal responsibility since [he] was not at fault with the company and was not fired. In panic he lost track of days and [is] aggressively seeking any and all employment.”

The panel determined the additional documentary evidence that is part of the Notice of Appeal was admissible under s. 22(4) of the EAA as being in support of the information before the Minister at reconsideration as it provides more details on his situation and essentially this information was before the minister at the time of reconsideration.



PART F – Reasons for Panel Decision

The issue under appeal is whether the Ministry's reconsideration decision which found the appellant ineligible for further income assistance due to non-compliance with his employment plan pursuant to section 9 of the EAA was reasonably supported by the evidence or a reasonable application of the legislation in the appellant's circumstances.

The relevant legislation is as follows:

Employment plan

- 9 (1) For a family unit to be eligible for income assistance or hardship assistance, each applicant or recipient in the family unit, when required to do so by the minister, must
- (a) enter into an employment plan, and
 - (b) comply with the conditions in the employment plan.
- (2) A dependent youth, when required to do so by the minister, must
- (a) enter into an employment plan, and
 - (b) comply with the conditions in the employment plan.
- (3) The minister may specify the conditions in an employment plan including, without limitation, a condition requiring the applicant, recipient or dependent youth to participate in a specific employment-related program that, in the minister's opinion, will assist the applicant, recipient or dependent youth to
- (a) find employment, or
 - (b) become more employable.
- (4) If an employment plan includes a condition requiring an applicant, a recipient or a dependent youth to participate in a specific employment-related program, that condition is not met if the person
- (a) fails to demonstrate reasonable efforts to participate in the program, or
 - (b) ceases, except for medical reasons, to participate in the program.
- (5) If a dependent youth fails to comply with subsection (2), 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.
- (6) The minister may amend, suspend or cancel an employment plan.
- (7) A decision under this section
- (a) requiring a person to enter into an employment plan,
 - (b) amending, suspending or cancelling an employment plan, or
 - (c) specifying the conditions of an employment plan
- is final and conclusive and is not open to review by a court on any ground or to appeal under section 17
- (3) [reconsideration and appeal rights].

The Appellant's Position



The appellant reported that he is very serious about finding gainful employment and is very sorry for not attending EPBC meetings. He said his life has been "spiraling out of control" and he is having a difficult time eating, sleeping or concentrating which he feels is making his employment search more difficult.

He stated that he is seeking any kind of seasonal and year round employment. He also stated that as long as he has to deal with Social Assistance he will closely comply with all the expectations. He argued that he needed assistance to pay his rent and that if he was denied, he could become homeless and it would also impact his son. He did not realize how crucial the EPBC was and now would like to take some of the courses offered.

The Ministry's Position

The Ministry's position is that the appellant entered into an EP dated May 29, 2014 and by signing his EP, confirmed that he read, understood and agreed to the requirements of attendance and compliance with the conditions in the EP as well as the consequences for non-compliance.

The appellant was scheduled for a group orientation on June 2, 2014 and did not attend. He did not phone and inform the program that he was not attending nor did he contact them to reschedule. He was given a second chance and advised that he needed to attend the group orientation and be in full compliance with the conditions in the EP by June 20, 2014 or he would be denied income assistance for non-compliance.

On June 20, 2014, an EPBC worker reviewed the file and found that the appellant had not followed through as required.

The Ministry argued that although the appellant was aware of the conditions outlined in his EP and the requirement to comply with those conditions as per Section 9(1) of the EAA, he did not demonstrate reasonable efforts to participate in the employment-related program as per Section 9(4) of the EAA and thus, is not eligible for income assistance.

The Panel's Decision

In determining the reasonableness of the Ministry's decision, the panel finds that the appellant entered into an EP on May 29, 2014 and by signing the EP, was aware of the terms and conditions of eligibility. These conditions include that he participate in the EPBC program as directed by the EPBC contractor; attend scheduled sessions and if unable to attend advise EPBC; and complete all assigned tasks and activities.

In this case, the panel finds the appellant missed his Group Orientation without notifying the program provider, he did not reconnect with EPBC and did not attend any session prior to the deadline date of June 20, 2014 after having been given a second chance to meet the attendance requirement in order to maintain his eligibility status.



The appellant did not provide any evidence to show that there were medical reasons that prevented his attendance at any of the scheduled sessions.

The panel finds that the Ministry reasonably determined that the appellant failed to demonstrate reasonable efforts to participate in the employment program as per Section 9(4)(a) of the EAA; that there is no evidence that he ceased to participate in the program for medical reasons as per Section 9(4)(b), and accordingly, that he is not eligible for assistance as per Section 9(1) of the EAA. Thus, the panel finds that the Ministry's decision to deny the appellant income assistance due to the failure to comply with the conditions of his EP was a reasonable application of the legislation and reasonably supported by the evidence.

Therefore, the panel confirms the Ministry's decision.