

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision dated September 12, 2014 which held that the appellant was ineligible for income assistance as the appellant did not provide information requested by the Minister pursuant to section 10 of the Employment and Assistance Act and section 32 of the Employment and Assistance Regulation.

PART D – Relevant Legislation

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

PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming the appellant was notified, the hearing proceeded under Section 86(b) of the EAR.

The evidence before the ministry at reconsideration consisted of the following:

1. A Shelter Information dated February 1, 2014 showed 5 adults and 3 children reside at the same address. The form indicated that the appellant's portion of the rent is \$572 and that utilities are not included.
2. A Vehicle Transfer/Tax form (unreadable) dated May 20, 2014.
3. A receipt from an auction house dated June 14, 2014 indicated the appellant paid \$400 towards a 2004 vehicle.
4. A receipt from an auction house dated June 16, 2014 indicated the appellant paid \$776 balance owing for the 2004 vehicle. Total cost was \$1176.
5. Letter dated July 18, 2014 addressed to the appellant from the ministry stated that a review of her file indicated that the following information is required in order to determine eligibility for assistance by August 1, 2014. (Letter 1) It included a checklist for the following documents;
 - Current rent receipt and bills for utilities paid by the appellant.
 - Pay statements or pay stubs for all income (earnings, EI, CPP or any other income) for the period of August 30, 2013 to July 18, 2014.
 - Record of employment from all employers for the period of August 30, 2013 to July 18, 2014.
 - Documents pertaining to any claims in the appellant's name received during a time the appellant received income assistance and for any unresolved claims in her name (for example ICBC, WCB).
 - Attached statements for all bank accounts, sole or joint for the period of August 30, 2013 to July 18, 2014.
 - Statements for all investments, RRSP's, pension funds and any other assets.
 - Income Tax Notice of Assessment for 2013.
 - Vehicle insurance and registration for vehicles insured in the appellant's name - status of a 1998 vehicle that was in the appellant's name till April 26, 2014 and of a 2004 vehicle that was insured in the appellant's name till June 16, 2014.
 - Statement for the last 6 months from any cheque cashing agency used.
 - Explanations for any deposits in the appellant's bank account from sources other than the ministry.
 - Bank profiles attached are based on information on the appellant's file since she first applied for income assistance. If any of these accounts have been closed, the appellant must have the bank indicate this with the date the account was closed and stamp the form.
 - Student loan notice of assessment or confirmation that the appellant is not attending the program.
6. The appellant's personal bank deposit history dated December 31, 2013 through July 24, 2014. (7 pages)
7. Letter dated July 28, 2014, "To Whom It May Concern" from person C indicated that she is the owner of a 1997 vehicle which due to insurance purposes is in the appellant's name. The appellant is noted as person C's room-mate.

8. The appellant's bank account information dated July 31, 2014 indicated that she was a sole owner and had a negative balance.
9. Letter dated August 1, 2014 addressed to the appellant from the ministry stated that the appellant had failed to submit the documents requested in their July 18, letter. The ministry gave the appellant until August 15, 2014 to provide the ministry with the requested documents. (Letter 2)
10. Letter, "To Whom It May Concern" sent August 14, 2014 from person B indicated that he was the owner of a 98 vehicle and a 05 vehicle and because he could not use his out of province license to purchase and register the vehicles at the auction, he used the appellant's ID.
11. Letter, "To Whom It May Concern" sent August 14, 2014 from person D indicated that she had e-mailed/transferred money for groceries to the appellant, her room-mate from January to April 2014 (inclusive).
12. Letter dated August 14, 2014 sent to the appellant from the ministry informed the appellant that as they had not received the requested information, they were unable to review the appellant's continued eligibility and that she is no longer eligible for assistance. They will close the appellant's file on September 17, 2014. (Letter 3)
13. Bank Profile for the appellant's bank account stamped and dated August 14, 2014.
14. A second bank noted by the ministry indicated on Aug 14, 2014 that no data exists for the appellant.
15. Rent receipt for the appellant for August 2014 in the amount of \$572.
16. Rent receipt for August 2014 in the amount of \$2000 for the appellant and person A. The receipt is dated October 8, 2014 and indicated as a late payment.
17. A Request for Reconsideration dated September 2, 2014 indicated that the appellant was waiting for a letter that implied she was cut off assistance and for her records of employment. She was working hard gathering everything that was requested. The appellant also noted that the insurance company can only give her transfer papers for current vehicles insured. In an attached note, the appellant stated that person D will e-mail money transfers for food, that she only has transfer papers from person B for the 1998 vehicle, and that he had sold the 2005 vehicle and does not have a transfer copy. The appellant stated that she was truly sorry, knows what she has done is wrong and knows that she has to repay the government. She added that she was trying to educate herself to provide better for her children. A breakdown of tenants renting at the same address is also included.

The ministry representative indicated that the appellant had been a recipient of income assistance on and off since 2003. The ministry stood by their reconsideration decision.

PART F – Reasons for Panel Decision

The issue is whether the Ministry's decision which held that the appellant was denied income assistance for failing to provide information under section 10 of the EAA and section 32 of the EAR is reasonably supported by the evidence or a reasonable application of the applicable legislation in the circumstances of the appellant.

Section 10 of the EAA addresses information and verification procedures the Ministry is to follow when reviewing a recipient's eligibility for continued income assistance. When auditing eligibility for income assistance, the Ministry may direct a recipient to supply verification of information of any information. Specifically section 10(1)(b)(g) of the EAA states:

10. (1) For the purposes of

(b) determining or auditing eligibility for income assistance, hardship assistance or a supplement,

the minister may do one or more of the following:

(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.

Section 10(2) of the EAA further stipulates what information that can be requested and states that the Ministry may request information if it relates to "the eligibility of the family unit for income assistance..." Specifically section 10(2) states the following:

(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.

Section 10(4) addresses the consequences if a recipient does not comply with the direction of the Ministry and authorizes the Ministry discretionary power to declare a recipient ineligible for income assistance for a prescribed period of time. Specifically section 10(4) states the following:

(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.

The EAR also deals with the consequences of failing to provide information or verification to the Ministry when directed by the Ministry. Specifically section 32(1) of the EAR allows the Ministry the discretionary power to declare the recipient ineligible for a period of time that lasts until the recipient complies with the direction. Section 32(1) states the following:

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 ministry argues that they requested information from the appellant for an eligibility review and notwithstanding their repeated requests and having given the appellant sufficient time between July 18 and August 14, 2014 to provide the requested information, the following required documents are

still outstanding; utility bills paid by the appellant, pay statements or pay stubs for all income, records of employment from all employers for the period of August 30, 2013 to July 18, 2014, legible copy of transfer papers and registration documents for the 1997 vehicle and the 1998 vehicle, six month statement from any cheque cashing agency used, explanations and proof of deposits in the bank statements from sources apart from the ministry and confirmation that person D is a room-mate. As the appellant did not provide all the requested documents to complete her review and to determine her ongoing eligibility for assistance, the ministry has concluded that the appellant is not eligible for income assistance until she provides the required information.

The appellant argues that she is still waiting for records of employment and is working hard at gathering everything that was requested by the ministry.

The panel notes that the legislation provides for the minister to request a person to provide information and/or verification of the information if required to determine eligibility for income assistance and to direct a recipient to supply the minister with information within the time and in the manner specified by the minister.

The panel finds that the evidence confirms that the ministry did send out letters on July 18, August 1 and 14, 2014, repeatedly requesting that the appellant provide a detailed list of documents for the ministry's eligibility review being conducted on the appellant, informing her to contact the investigative officer should she have questions or require further information or not be able to meet the timeline and then ultimately informing the appellant of her denial of income assistance.

The panel also notes that pursuant to section 32(1) of the EAR that for the purpose of section (4) of the EAA, the period for which the minister may declare the family unit ineligible for assistance lasts until the recipient complies with the direction.

In view of the evidence, the panel finds that the appellant has not complied by supplying all the information as requested by the ministry to determine her eligibility for assistance, in order to meet the legislated criteria, within the time and in the manner specified by the minister. Therefore, the panel finds that the ministry reasonably determined that all the requirements pursuant to section 10(1) of the EAA were not met.

The panel finds the ministry's determination that the appellant be denied income assistance for failing to provide information was reasonably supported by the evidence and confirms the decision.