

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision dated October 17, 2014 in which the ministry denied income assistance to the appellant, pursuant to section 9 of the Employment and Assistance Act (EAA), for failing to comply with the conditions of his employment plan. The ministry determined he did not demonstrate reasonable efforts to participate in his employment plan and that he did not cease to participate in the employment program due to a medical reason.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) section 9

PART E – Summary of Facts

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

- An employment plan (EP) signed by the appellant dated June 25, 2014. The agreement required the appellant to make contact with the Employment Program of BC (EPBC) contractor within 5 business days, attend all appointments by the EPBC contractor, complete all assignments, participate in EPBC programming regularly and as directed by the contractor, work with the contractor to address any issues that would impact his employability, and to notify the contractor if he is unable to attend a session. The EP also instructed him to advise the ministry if there is any reason he cannot follow through with the agreement.
- A Request for Reconsideration application signed by the appellant dated October 3, 2014. The appellant writes he was staying at the hospital with his girlfriend who was dying of cancer. He writes he was having a hard time but he will get on the Employment Plan now.
- An outdated employment plan (EP) signed by the appellant dated February 26, 2014. The agreement required the appellant to make contact with the Employment Program of BC (EPBC) contractor within 5 business days, attend all appointments by the EPBC contractor, complete all assignments, participate in EPBC programming regularly and as directed by the contractor, and to notify the contractor if he is unable to attend a session. The EP also instructed him to advise the ministry if there is any reason he cannot follow through with the agreement. This EP was replaced with the June 25 EP noted above because the appellant moved so he was assigned to a different EPBC contractor closer to his new residence.

The appellant submitted two Notice of Appeal documents. One was dated October 31, 2014 and the other November 13, 2014. In his October 31 submission he writes that he disagrees with the ministry's reconsideration decision because he is on drugs and he needs help. In the November 13 submission he writes that he has been under extreme mental stress due to dealing with his girlfriend's cancer as well as trying to get help for his addiction. He adds that he now has a support worker and is getting help.

In the Reconsideration Decision the ministry details the contact with the appellant from the date the EP was signed until the date the appellant was found ineligible for assistance. The updated EP was signed on June 25, 2014 because the appellant had moved. The appellant did not attend his intake appointment with the EPBC contractor on July 16 and did not contact the EPBC contractor to reschedule. On July 23 the appellant met with the ministry to discuss his non-compliance. The appellant stated he had been ill for the past two weeks. On July 24 the appellant provided a note that he had an appointment with the EPBC contractor scheduled for August 27 that was later rescheduled for August 29. The appellant did not attend the August 29 appointment and did not contact the EPBC contractor or the ministry. The EPBC contractor rescheduled his intake appointment for September 26 but the appellant arrived two hours late and was not willing to wait for an appointment later that day. On September 26, 2014 the ministry informed the appellant he was ineligible for future assistance due to non-compliance with his EP. At that meeting he showed the ministry a note that the ministry determined to be a forged document. The appellant took the note before the ministry had an opportunity to scan it.

PART F – Reasons for Panel Decision

The issue under appeal in this case is the reasonableness of the ministry's decision to deny the appellant income assistance, pursuant to section 9 of the Employment and Assistance Act (EAA), for failing to comply with the conditions of his employment plan. The ministry determined the appellant did not demonstrate reasonable efforts to participate in the program and did not have a medical reason to cease participation in the program.

Section 9 of the Employment and Assistance Act states:

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.

The appellant's argument is that he demonstrated reasonable efforts to participate in the program but due his girlfriend's illness, he could not meet all his obligations under his EP.

The ministry's argument is that the appellant was aware of his obligations listed in his EP and that he did not demonstrate reasonable efforts to comply with the conditions of his EP. The ministry maintains that the appellant had opportunities to discuss any reason he could not meet his obligations under the EP but failed to do so.

In coming to its decision the panel considered the appellant's arguments that he was caring for his girlfriend who was receiving treatment for cancer and therefore was unable to attend the workshops and scheduled appointments. The panel considered the obligations of his EP including the requirement to contact the ministry if there is any reason that he could not comply with its obligations. The evidence shows that the appellant did not inform the ministry or the EPBC contractor at any of their meetings that his girlfriend had cancer. The panel has not been provided with evidence indicating that the appellant informed the EPBC contractor of the challenges he was facing.

The panel considered the appellant's submission to the ministry on July 23, 2014 that he had a

medical condition that prevented him from attending his appointments with the EPBC contractor. The panel notes that the appellant did not provide supporting documentation from a physician. The panel also notes that, at that meeting, the appellant was given another opportunity to attend an appointment with the EPBC on August 29 and that he missed this date as well.

The panel considered the appellant's submission that he is addicted to drugs and he needs help. The panel notes that when the appellant met with the ministry to sign his EP he was given the opportunity to discuss any reasons that he would not be able to meet the obligations of the EP. The panel was provided no evidence to indicate he discussed his addiction with the ministry. The panel notes that the EP required the appellant to work with the contractor to address any issues that would impact his employability. The panel was provided no evidence that the appellant discussed his addiction with the contractor.

The panel finds that the ministry reasonably determined the appellant did not comply with the conditions of his employment plan and ceased to be eligible for income assistance under section 9 (1) because he failed to demonstrate reasonable effort to participate in the employment program pursuant to EAA section 9(4)(a) and did not cease to participate due to a medical reason pursuant to section 9(4)(b).

The panel finds that the ministry's decision was a reasonable application of the applicable enactment in the circumstances of the appellant and confirms the decision.