

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision dated November 6, 2014, which found that the ministry was unable to adjudicate the appellant's Persons with Disability (PWD) designation application as the appellant was found financially ineligible for income assistance or disability assistance as his unearned income exceeds the legislated rate for income assistance and disability assistance.

In addition the ministry determined that the appellant was not eligible for a medical services only (MSO) file pursuant to section 66.1 of the *Employment and Assistance Regulation* (EAR) or section 61.1 of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) because he was not eligible for health supplements previously, the reason he was determined ineligible for income assistance was not due to court settlement agreement S50808, and he was not a recipient under the *Employment and Assistance for Persons with Disabilities Act* (EAPWDA) therefore did not cease to be eligible for disability assistance, hardship assistance or a supplement provided under the EAPWDA.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), section 10, 66.1 and Schedule B
Employment and Assistance for Persons with Disabilities Act (EAPWDA), sections 1, 3, 4, and 5
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 61.1

PART E – Summary of Facts

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

- 1) The appellant's Request for Reconsideration (RFR) dated October 27, 2014 in which the appellant states that he qualifies for the medical portion of PWD, needs some medical equipment, and provided a list of his medications;
- 2) A PWD application comprised of a Self-report (SR) signed by the appellant on May 21, 2014; a Physician Report (PR) signed by the appellant's physician June 2, 2014, and an Assessor Report (AR), signed by a social worker dated June 23, 2014;
- 3) Letter from the Workers' Safety & Compensation Commission (WSSC) to the appellant dated April 29, 2014 regarding the appellant's back condition and confirming that the appellant was assessed with a 10.5% whole person disability and entitled to arrears pension income of \$1,841.69 to be processed on or before May 10, 2014 and a monthly pension amount of \$369.08 beginning May 15, 2014; and
- 4) Letter from Service Canada to the appellant dated May 1, 2014 advising that the appellant was found eligible for Canada Pension Plan (CPP) disability benefits effective December 2013, that CPP would be reimbursing the ministry \$3,110.65, and that the appellant would receive a monthly CPP disability amount of \$940.29.

In his Notice of Appeal the appellant states that the fact patterns presented are incorrect, that his physician had forms and there were many changes in doctors and it took a long time to get his application completed due to factors beyond his control despite starting the PWD process in early May 2014.

Admissibility of New Information

Prior to the hearing, the appellant provided a written submission containing a note from his physician printed November 21, 2014 indicating that the appellant is diabetic, asthmatic and suffers from hypertension; that he is prescribed multiple medications for these conditions and without them his health would be at significant/extreme risk. The physician also notes that the appellant is compliant with his medications. The appellant also provided a printout of his medications from January 3, 2014 through November 13, 2014.

The ministry provided a written submission dated December 5, 2014 clarifying that the reconsideration decision of November 6, 2014 resulted in a denial of income assistance. The ministry states that section 10 of the Employment and Assistance Regulations (EAR) stipulates that a person is not eligible for assistance if their net income (calculated under Schedule B) exceeds their assistance rate (calculated under Schedule A). The ministry states that as the appellant intends on applying for PWD designation, it is ministry policy to assess eligibility under the PWD rates and the maximum amount of a single person with PWD is \$906.42. The ministry states that even if the appellant were approved for PWD, his net income would still exceed the legislated limit; therefore, the ministry is unable to approve his request for income assistance.

At the hearing, the appellant provided oral testimony indicating that he applied for disability assistance in November 2013 after he was cut off from Workers Compensation. He stated that the

application was confusing and he received assistance in order to complete it. The appellant stated that there was confusion from the ministry in that he had spoken to a ministry representative who told him that his application should have been processed earlier. The appellant stated that he had initially advised the ministry that he wanted to apply for disability assistance but never received the PWD application until May 2013 after which it took time to complete and was submitted in June 2014.

The appellant stated that he has diabetes and high blood pressure which is a bad combination of health conditions and that the cost of his medications and MSP premiums is approximately \$470 per month. The appellant stated that he has not had to pay those amounts to date because some government office is paying them (he was unsure which office) but that he cannot afford to pay them given his current monthly pension income from CPP and WCB. However, he anticipates that he will require insulin and other medical equipment at some point in the future and is concerned that he will not have sufficient income to cover his medical expenses.

The ministry representative stated that if an assistance recipient had been approved for PWD and had been in receipt of disability assistance and then began receiving income that made the person ineligible for assistance then that person may qualify for MSO only but that in this case, the appellant had already applied for CPP disability benefits even before he applied for income assistance in November 2013. The ministry representative stated that upon reviewing the file notes the first time the appellant requested a PWD application was May 7, 2014 and that the application was mailed out to the appellant after his request. The ministry representative stated that as the appellant's pension income exceeded the income assistance rates, he was found ineligible for income assistance and was not eligible for medical services only benefits.

The ministry representative stated that although the ministry had been paying the appellant's medical expenses even after his file had been closed there was no legislative authority for that to continue and that payment for his medical expenses would be cut off immediately. The ministry representative stated that applicants are encouraged to apply for Fair Pharmacare and MSP premium assistance if they do not qualify for assistance through the ministry.

The panel has admitted the new documentation and oral testimony of the ministry and the appellant into evidence as it is in support of information and records that were before the ministry at the time of reconsideration, in accordance with section 22(4) of the *Employment and Assistance Act*. In particular, the appellant's new documentation provides further information regarding the appellant's health conditions and medications and the ministry's written submission provides further information clarifying the reconsideration decision.

The panel finds as follows:

1. The appellant initially contacted the ministry with respect to income assistance on November 21, 2013 at which time he was still in receipt of Workers Compensation benefits and had applied for CPP disability benefits.
2. The appellant received payment from Workers Compensation at the end of November 2013 then returned to the ministry in December 2013 seeking financial assistance.
3. By letter dated April 29, 2014, WSCC advised the appellant that he was entitled to a permanent disability pension from WCB of \$369.08 per month effective December 1, 2013.

4. By letter dated May 1, 2014 the appellant's application for CPP disability benefits was approved effective December 2013.
5. On May 7, 2014 the appellant requested a PWD designation application.
6. On June 25, 2014 the appellant submitted his PWD designation application.

PART F – Reasons for Panel Decision

The issue on the appeal is whether the ministry's reconsideration decision which determined that they could not adjudicate the appellant's PWD designation application because he was ineligible for income assistance and that the appellant was not eligible for MSO was reasonably supported by the evidence or was a reasonable application of the applicable legislation in the circumstances of the appellant.

The relevant legislation is as follows:

EAR

Limits on income

10 (1) For the purposes of the Act and this regulation, "**income**", in relation to a family unit, includes an amount garnished, attached, seized, deducted or set off from the income of an applicant, a recipient or a dependant.

(2) A family unit is not eligible for income assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of income assistance determined under Schedule A for a family unit matching that family unit.

Eligibility for medical services only

66.1 For the purposes of this Division, a person may be eligible for medical services only if

(a) the person is part of a family unit that ceased to be eligible for income assistance as a result of

(i) an award of compensation under the *Criminal Injury Compensation Act* or an award of benefits under the *Crime Victim Assistance Act* made to the person or another member of the person's family unit, and the person was eligible for health supplements under section 2 [general health supplements] or 3 [medical equipment and devices] of Schedule C on the date the person's family unit ceased to be eligible for income assistance, or

(ii) a payment made to the person or another member of the person's family unit under the settlement agreement approved by the Supreme Court in Action No. S50808, Kelowna Registry, or

(b) the person, on the date of the person's 65th birthday, was

(i) a recipient of income assistance under section 2 [monthly support allowance], 4 [monthly shelter allowance], 6 [people receiving room and board], 8 [people receiving special care] or 9 [people in emergency shelters and transition houses] of Schedule A, and

(ii) eligible for health supplements under section 2 [general health supplements] or 3 [medical equipment and devices] of Schedule C, and the person's family unit ceased to be eligible for income assistance on that date.

EAR Schedule B - Net Income Calculation

Deduction and exemption rules

1 When calculating the net income of a family unit for the purposes of section 28 (b) [amount of income assistance] of this regulation,

(a) the following are exempt from income:

(i) any income earned by a dependent child attending school on a

full-time basis;

(ii) the basic family care rate paid for foster homes;
 (iii) Repealed (B.C. Reg. 48/2010)
 (iv) a family bonus, except the portion treated as unearned income under section 10 (1) of this Schedule;
 (v) the basic child tax benefit;
 (vi) a goods and services tax credit under the Income Tax Act (Canada);
 (vii) a tax credit under section 8 [*refundable sales tax credit*], 8.1 [*low income climate action tax credit*] or 8.2 [*BC harmonized sales tax credit*] of the *Income Tax Act* (British Columbia); (B.C. Reg. 180/2010)
 (viii) individual redress payments granted by the government of Canada to a person of Japanese ancestry;
 (ix) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to a person infected by the human immunodeficiency virus;
 (x) individual payments granted by the government of British Columbia to a person infected by the human immunodeficiency virus or to the surviving spouse or dependent children of that person;
 (xi) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to thalidomide victims;
 (xii) money that is
 A. paid or payable to a person if the money is awarded to the person by an adjudicative panel in respect of claims of abuse at Jericho Hill School for the Deaf and drawn from a lump sum settlement paid by the government of British Columbia, or

B. paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. C980463, Vancouver Registry; (B.C. Reg. 276/2004)
 (xiii) the BC earned income benefit;
 (xiv) money paid or payable under the 1986-1990 Hepatitis C Settlement Agreement made June 15, 1999, except money paid or payable under section 4.02 or 6.01 of Schedule A or of Schedule B of that agreement;
 (xv) a rent subsidy provided by the provincial government, or by a council, board, society or governmental agency that administers rent subsidies from the provincial government;
 (xvi) Repealed (B.C. Reg. 197/2012)
 (xvii) money paid or payable to a person in settlement of a claim of abuse at an Indian residential school, except money paid or payable as income replacement in the settlement;
 (xviii) post adoption assistance payments provided under section 28 (1) or 30.1 of the Adoption Regulation, B.C. Reg. 291/96;
 (xix) a rebate of energy or fuel tax provided by the government of Canada, the government of British Columbia, or an agency of either government,
 (xx) Repealed (B.C. Reg. 85/2012)
 (xxi) payments granted by the government of British Columbia under section 8 of the *Child, Family and Community Service Act* [*agreement with child's kin and others*];
 (xxii) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program. (B.C. Reg. 115/2003)
 (xxiii) Repealed (B.C. Reg. 85/2012) (BC Reg. 209/2003)
 (xxiv) payments granted by the Government of British Columbia under an agreement referred to in section 93 (1) (g) (ii) of the *Child, Family and Community Service Act*, for contributions to the support of a child. (BC Reg. 209/2003) (B.C. Reg. 197/2012)
 (xxv) a loan that is
 (A) not greater than the amount contemplated by the recipient's business plan, accepted by the minister under section 77.2 of this regulation, and
 (B) received and used for the purposes set out in the business plan.
 (B.C. Reg. 462/2003)
 (xxvi) payments granted by the government of British Columbia under the Ministry of Children and Family Development's
 (A) Autism Funding: Under Age 6 Program, or
 (B) Autism Funding: Ages 6 - 18 Program, (B.C. Reg. 22/2005)
 (xxvii) that portion of the maintenance paid for and passed on to a person with disabilities or a person

- aged 19 or older under a maintenance order or agreement filed with a court. (B.C. Reg. 91/2005)
- (xxviii) payments made by a health authority or a contractor of a health authority to a recipient, who is a "person with a mental disorder" as defined in section 1 of the *Mental Health Act*, for the purpose of supporting the recipient in participating in a volunteer program or in a mental health or addictions rehabilitation program. (B.C. Reg. 90/2005)
- (xxix) a refund provided under Plan I, "Fair PharmaCare", of the PharmaCare program established under the Continuing Care Programs Regulation, B.C. Reg. 146/95; (B.C. Reg. 292/2005) (B.C. Reg. 32/2012)
- (xxx) payments provided by Community Living BC to assist with travel expenses for a recipient in the family unit to attend a self-help skills program, or a supported work placement program, approved by Community Living BC. (B.C. Reg. 192/2006)
- (xxxi) a Universal Child Care Benefit provided under the *Universal Child Care Benefit Act (Canada)*. (B.C. Reg. 250/2006)
- (xxxii) money paid by the government of Canada, under a settlement agreement, to persons who contracted Hepatitis C by receiving blood or blood products in Canada prior to 1986 or after July 1, 1990, except money paid under that agreement as income replacement. (B.C. Reg. 195/2007)
- (xxxiii) money withdrawn from a registered disability savings plan, (B.C. Reg. 362/2007)
- (xxxiv) a working income tax benefit provided under the *Income Tax Act (Canada)*, (B.C. Reg. 48/2008)
- (xxxv) Repealed (B.C. Reg. 180/2010)
- (xxxvi) the climate action dividend under section 13.02 of the *Income Tax Act*, (B.C. Reg. 94/2008)
- (xxxvii) money paid or payable to a person under the *Criminal Injury Compensation Act* as compensation for non-pecuniary loss or damage for pain, suffering mental or emotional trauma, humiliation or inconvenience that occurred when the person was under 19 years of age, (B.C. Reg. 87/2008)
- (xxxviii) money that is paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. S024338, Vancouver Registry. (B.C. Reg. 242/2010)
- (xxxix) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Family Support Services program; (B.C. Reg. 85/2012)
- (xl) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Supported Child Development program; (B.C. Reg. 85/2012)
- (xli) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Aboriginal Supported Child Development program. (B.C. Reg. 85/2012)
- (xlii) money paid or payable from a fund that is established by the government of British Columbia, the government of Canada and the City of Vancouver in relation to recommendation 3.2 of the final report of the Missing Women Commission of Inquiry, (B.C. Reg. 31/2014)
- (xliii) payments granted by the government of British Columbia under the Temporary Education Support for Parents program, (B.C. Reg. 172/2014)

(b) any amount garnished, attached, seized, deducted or set off from income is considered to be income, except the deductions permitted under sections 2 and 6 of this Schedule,

(c) all earned income must be included, except the deductions permitted under section 2 and any earned income exempted under sections 3 and 4 of this Schedule, and

(d) all unearned income must be included, except the deductions permitted under section 6 and any income exempted under sections 7 and 8 of this Schedule.

Deductions from earned income

2 The only deductions permitted from earned income are the following:

- (a) any amount deducted at source for
 - (i) income tax,
 - (ii) employment insurance,
 - (iii) medical insurance,
 - (iv) Canada Pension Plan,

- (v) superannuation,
- (vi) company pension plan, and
- (vii) union dues;
- (b) if the applicant or recipient provides both room and board to a person at the applicant's or recipient's place of residence, the essential operating costs of providing the room and board;
- (c) if the applicant or recipient rents rooms that are common to and part of the applicant's or recipient's place of residence, 25% of the gross rent received from the rental of the rooms.

EAPWDA

1 (1) In this Act:

"disability assistance" means an amount for shelter and support provided under section 5 [*disability assistance and supplements*];

"recipient" means the person in a family unit to or for whom disability assistance, hardship assistance or a supplement is provided under this Act for the use or benefit of someone in the family unit, and includes

- (a) the person's spouse, if the spouse is a dependant, and
- (b) the person's adult dependants;

Eligibility of family unit

3 For the purposes of this Act, a family unit is eligible, in relation to disability assistance, hardship assistance or a supplement, if

- (a) each person in the family unit on whose account the disability assistance, hardship assistance or supplement is provided satisfies the initial and continuing conditions of eligibility established under this Act and the regulations, and
- (b) the family unit has not been declared ineligible for the disability assistance, hardship assistance or supplement under this Act or the regulations.

end 3

Application of Act

4 To be eligible for disability assistance or hardship assistance under this Act, a family unit must include a person with disabilities.

Disability assistance and supplements

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

EAPWDR

Eligibility for medical services only

61.1 For the purposes of this Division, a person may be eligible for medical services only if

- (a) the person is a person with disabilities who is under age 65 and the person's family unit ceased to be eligible for disability assistance as a result of
 - (i) employment income earned by the person or the person's spouse,
 - (ii) money received by the person or another member of the person's family unit under the settlement agreement approved by the Supreme Court in Action No. S50808, Kelowna Registry,
 - (iii) any person in the family unit receiving a pension or other payment under the Canada Pension Plan, or

(iv) money or value received by the person or the person's spouse that is maintenance under a maintenance order, maintenance agreement or other agreement, (B.C. Reg. 27/2014)

(b) the person's family unit ceased to be eligible for disability assistance on the day the person became 65 years of age,

(c) the person is a person with disabilities and the person's family unit ceased to be eligible for disability assistance because of

(i) financial assistance provided through an agreement under section 12.3 of the *Child, Family and Community Service Act*; or

(ii) an award of compensation under the *Criminal Injury Compensation Act*; or an award of benefits under the *Crime Victim Assistance Act* made to the person or the person's spouse,

(d) the person is a dependant of a person referred to in paragraph (a) or (c), or

(e) the person is a dependant of a person referred to in paragraph (b), if the dependant was a dependant of the person referred to in paragraph (b) on the day that person became 65 years of age and remains a dependant of that person.

(B.C. Reg. 114/2010)

Position of the parties

The appellant's position is that his PWD application should have been processed and he should be found eligible for MSO so that he can continue to receive his pension income and have his medical expenses covered, as he cannot afford to pay monthly medical expenses and MSP premiums of \$470 if they are not otherwise covered. In addition the appellant's position is that he will not be able to afford to cover the cost of insulin or other medical equipment he may need in the future. The appellant's position is that he always intended to apply for disability assistance and advised the ministry of that from the outset and that any delay in submitting his PWD application is attributable to the ministry's confusion and he should not be penalized because of that.

The appellant's position, as articulated by his witness/support person, is that it is not fair that someone who is approved for PWD benefits prior to receiving other pension should be able to qualify for a MSO file whereas the appellant, whose CPP and WCB disability applications were approved prior to his PWD application being submitted should be found ineligible and denied MSO assistance.

The ministry's position is that to be eligible for disability assistance or hardship assistance under the EAPWDA, a family unit must include a person with PWD designation and is otherwise eligible for assistance by satisfying the initial and continuing conditions of eligibility. The ministry's position is that the appellant did not meet the initial financial eligibility criteria as his unearned income exceeds the income assistance rate and disability assistance rate.

In particular, the ministry states that section 10 of the EAR stipulates that a person is not eligible for assistance if their net income (calculated under Schedule B) exceeds their assistance rate (calculated under Schedule A). Schedule B explains that all unearned income, except that which can be exempted under Schedule B section 1, 6 and 7, is included in the calculation of net income. Under Schedule A, the appellant's total assistance rate would be up to \$610, based on \$235 support plus up to \$375 shelter). As the appellant's income is from CPP and WCB permanent disability pensions, they are unearned income that must be fully deducted from assistance so the appellant is not

financially eligible for assistance.

The ministry states that as at May 2014 the appellant's monthly income was \$1,306.37 (\$940.29 from CPP and \$369.08 from WCB permanent disability pensions), his income is higher than the income assistance rate of \$610 per month and higher than the disability assistance rate of \$906.42 for a sole recipient so even if he were approved for PWD, his net income would still exceed the legislated limit.

The ministry states that the appellant submitted his PWD application in June 2014 after his CPP and WCB disability pensions had been approved and were already in pay. In addition the ministry notes that the appellant received a lump sum payment of \$14,590.62, which was also income in excess, which resulted in him being financially ineligible for assistance.

The ministry's position is that the appellant is not eligible for a MSO file because that is only available if a recipient was in receipt of income assistance and was leaving assistance and met the criteria of section 66.1 of the EAR or 61.1 of the EAPWDR. As the appellant had not been eligible for health supplements previously, was not determined ineligible for income assistance due to a court settlement agreement and was not a recipient under the EAPWDA the appellant did not cease to be eligible for disability assistance, hardship assistance or a supplement provided under EAPWDA so he is not eligible for a MSO file.

Panel Decision

Financial Eligibility

Section 3 of the EAPWDA states that to be eligible for disability assistance each person in the family unit must satisfy the initial and continuing conditions of eligibility. Section 4 of the EAPWDR states that to be eligible for disability assistance, a family unit must include a persons with disabilities. The appellant does not dispute that his income is \$1,306.37 per month as of May 2014, comprised of CPP disability pension income of \$940.29 and WCB pension income of \$369.08.

Section 10 of the EAR stipulates that a person is not eligible for assistance if their net income (calculated under Schedule B) exceeds their assistance rate (calculated under Schedule A). Schedule B explains that all unearned income, except that which can be exempted under Schedule B section 1, 6 and 7, is included in the calculation of net income. Under Schedule A, the appellant's total assistance rate would be up to \$610, based on \$235 support plus up to \$375 shelter). Disability assistance, for a sole recipient would be \$906.42 per month.

Pursuant to EAR Schedule B, section 1(b) all unearned income must be deducted. EAR Schedule B, sections 1 sets out various exemptions to the net income calculation but the appellant's income does not fall into one of the legislated exemptions and must be treated as unearned income and deducted in its entirety. As the appellant's monthly income is \$1,306.37 it is higher than the amount for a sole recipient of income assistance of \$610 and the amount for a sole recipient of disability assistance of \$906.42, so the panel finds that the ministry was reasonable in determining that even if the appellant had been approved for PWD designation, he was not eligible for income assistance or disability assistance as his net income exceeds the legislated limits.

MSO eligibility

The appellant was approved for CPP disability and WCB disability on April 29 and May 1, 2014 respectively, both of which were retroactive to December 2013. At the time the appellant submitted his PWD application in June 2014, his pension amounts had been approved and he was already in receipt of those benefits in the amount of \$1,306.37 per month.

Section 66.1(a) of the EAR states that a person may be eligible or MSO if the person is part of a family unit that ceased to be eligible for income assistance as a result of an award pursuant to the *Criminal Injury Compensation Act*, *Crime Victim Assistance Act* and the person was eligible for health supplements under section 2 or 3 of Schedule C on the date the person's family unit ceased to be eligible for income assistance, or a payment made to the person under the specified Supreme Court settlement agreement. Section 66.1(b) of the EAR requires that the person be a recipient of income assistance under section 2, 4, 6, 8 or 9 of Schedule A and be eligible for health supplements under section 2 of Schedule C at the time the person ceased being eligible for income assistance.

Section 61.1 of the EAPWDR states that a person may be eligible or MSO if the person is a PWD under age 65 and the person's family unit ceased to be eligible for disability assistance as a result of the following factors: a) employment income, money received under a specified Supreme Court settlement agreement, CPP pension, money received under a maintenance order or agreement; b) ceased to be eligible on the day the person became 65 years of age; c) ceased to be eligible because of financial assistance through an agreement under section 12.3 of the *Child, Family and Community Service Act*, *Criminal Injury Compensation Act* or *Crime Victim Assistance Act*; d) the person is a dependent of a person referred to in (a) or (c); or e) the person is a dependent of a person referred to in paragraph (b), if the dependant was a dependent of the person referred to in paragraph (b) on the day that person became 65 years of age and remains a dependant of that person.

Although the appellant's position is that the delay in submitting his PWD application was attributable to ministry confusion and delay and is not his fault, there is no information other than the appellant's statement that he told a ministry representative that he wanted to apply for disability assistance, that the appellant requested a PWD application prior to May 2014. However, even if the appellant had requested and submitted a PWD application earlier, there is no information to establish that his application would have been considered and/or approved such that he would have been found to be a recipient of PWD benefits and/or eligible for health supplements as required to qualify for MSO.

As the appellant was not eligible for health supplements previously, had not been previously approved for PWD benefits, was not a recipient of disability assistance under the EAPWDA, and does not meet any of the other reasons for being determined ineligible for assistance listed in s.66.1 EAR and s. 61.1 EAPWDR, the panel finds that the ministry's determination that the appellant was not eligible for MSO was reasonable.

Conclusion

Having reviewed and considered all of the evidence and relevant legislation, the panel finds that the ministry's reconsideration decision which determined that the appellant was not eligible for income assistance or disability assistance as his net income exceeds the legislated limits was reasonable. The panel also finds that the ministry's reconsideration decision which determined that the appellant was not eligible for MSO was reasonable. Therefore, the panel confirms the ministry's

reconsideration decision.

The panel notes that pursuant to section 17(3) of the EAA and section 16(3) of the EAPWDA it only has jurisdiction to hear an appeal that relates to a ministry decision that results in the refusal, discontinuance or reduction of assistance or a supplement. As the issue of the ministry's refusal to adjudicate the appellant's PWD application is not a decision that results in the refusal, discontinuance or reduction of assistance or a supplement the tribunal does not have jurisdiction to address that issue.