

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision dated March 30, 2015, which held that the appellant is not eligible for income assistance (IA) from March 1, 2015 to October 31, 2015, pursuant to section 16 of the Employment and Assistance Regulation (EAR), because she is registered as a full-time student in a fundable program of studies.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) – section 16

PART E – Summary of Facts

The ministry was not in attendance at the hearing. After confirming that the ministry was notified, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation.

The appellant attended the hearing with her two minor children.

The following evidence was before the ministry at the time of reconsideration:

- Employment Plan (EP) signed and dated by the appellant on February 10, 2015;
- Student Loan/Grant Disbursement form which states that the appellant obtained a total of \$12578.00 in student loans and/or grant money; and
- Request for reconsideration signed and dated March 26, 2015, which states that she would like to move forward in life by attending school to get off assistance, it will be less stress on her and she will excel in school; and there will be hardship on her family who may have to help ensure ends meet.

In the Notice of Appeal, the appellant stated that she disagrees with the ministry's decision because she is trying to get her family off of social assistance permanently and have a career rather than a 9-5 job. This will relieve stress on her as her boyfriend cannot medically work.

At the hearing the appellant stated that:

- She is trying to have a career to sustain her family without assistance;
- Staying on IA and going to school was not her first option as she has applied for jobs but has not heard back;
- The employers that have contacted her are offering work during the day time which means she would not be able to finish school;
- It would be too difficult to maintain her 'A' average if she attends school during the day and works at night. It would also take away from the quality and care of her young children's lives;
- Taking on more student loans only means that she would be further into debt when she completes her studies;
- The ministry did inform her that she could not attend school full-time and be on IA; and
- She tried other resources, such as her band office, but has been unsuccessful.

Finding of Facts:

- The appellant did not dispute that she is enrolled in and attends a full-time program of studies at local college which commenced on February 23, 2015 and will end October 9, 2015;
- The appellant has received funding for her studies;
- The appellant was advised prior to her attendance in college that she would not be eligible for IA if she is enrolled in a fulltime program of studies.

PART F – Reasons for Panel Decision

The issue before the panel is the reasonableness of the ministry's reconsideration decision dated March 30, 2015, which held that the appellant is not eligible for income assistance due to being registered as a full-time student in a fundable program of studies pursuant to section 16 of the EAR.

Section 16 of the EAR states that:

- (1) A family unit is not eligible for income assistance for the period described in subsection (2) if an applicant or a recipient is enrolled as a full-time student
 - (a) in a funded program of studies, or
 - (b) in an unfunded program of studies without the prior approval of the minister.
- (2) The period referred to in subsection (1)
 - (a) extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams in the relevant program of studies are held, and
 - (b) is not longer than one year

The appellant argues that she is trying to establish herself in a career rather than work a 9-5 job. This will allow her to support her family long term and not rely on IA. She attempted to find work but was unsuccessful. She tried other community resources, such as her band office, but was unsuccessful. If she is to get a student loan she will be further in debt when she graduates. If she is to attend school during the day and work at night, her grades and children's care will be compromised. She is asking for the ministry's help so that her family will not experience hardship helping her to ensure ends meet.

The ministry argues that the appellant was advised on February 19, 2015 that if she attends school full-time, she will not qualify for IA. On February 26, 2015 she advised the ministry that she is attending a full-time program at a local college and received student loans and grants that were applied directly to tuition. On March 23, 2015 the appellant confirmed that she was registered as a full-time student from February 23, 2015 to October 9, 2015 and, therefore, pursuant to section 16 of the EAR, the appellant is no longer eligible for IA from March 1, 2015 to October 31, 2015.

Panel Decision:

Pursuant to Section 16(1) of the EAR, a family unit is not eligible for income assistance for a period, as defined in Section 16(2), if an applicant or a recipient is enrolled as a full-time student in a funded program of studies. The panel understands the appellant's desire to have a career and support her family, rather than work a 9-5 job that she has had problems finding. The panel acknowledges that the appellant has made efforts to utilize community resources to support her family while in school. However, the legislation is clear that anyone who is enrolled in a fulltime funded program is not

eligible for IA. The appellant does not dispute being enrolled in and attending a fulltime program of studies from February 23, 2015 to October 9, 2015 or that she received funding for the program or that she knew prior to attending the program that she would no longer be eligible for IA. The panel finds that the ministry reasonably determined that the appellant is not eligible for IA pursuant to section 16(1) of the EAR for the period described in section 16(2) of the EAR, March 1, 2015 to October 31, 2015, as she is enrolled in full-time funded studies.

Conclusion:

The panel finds that the ministry's decision to deny the appellant income assistance due to being registered as a full-time student in a fundable program of studies was a reasonable application of the legislation and was reasonably supported by the evidence. The panel therefore confirms the ministry's decision.