

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “Ministry”) April 24, 2015 reconsideration decision denying the Appellant income assistance pursuant to section 10 the *Employment and Assistance Act* and section 32 of the Employment and Assistance Regulation because she failed to provide information requested by the Ministry regarding the transfer of ownership of a vehicle and regarding her rental costs/payments for August, September and October 2014.

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 did not attend the hearing. The Panel confirmed that the Appellant was provided with notice of the hearing and then, in accordance with section 86(b) of the EAR, proceeded with the hearing in the absence of the Appellant.

The Panel notes that the record for this appeal has a great deal of information about contacts between the Appellant and the Ministry over several months regarding the Ministry's requests for specific information and documentation from the Appellant. The Ministry made the requests to determine the Appellant's ongoing eligibility for income assistance. In its reconsideration decision, the Ministry wrote that, based on new information provided, it was satisfied that the Appellant provided all of the requested information except for the following:

- Vehicle registration/transfer/sale documents regarding the Appellant's disposition of a vehicle.
- A written explanation about what her actual shelter/rent costs were for August 2014, September and October 2014 and how she paid for that.

Because these are the only outstanding issues in this appeal, the Panel will consider and summarize the documents and facts related to only these outstanding Ministry requests.

For its reconsideration decision, the Ministry had the following evidence:

1. Information in its records regarding its requests from and contacts with the Appellant or the Appellant's representative starting about September 2014, including the following:

- Ministry request in November 2014 for vehicle registration information for any vehicle the Appellant owns.
- ICBC information that the Appellant had a vehicle registered in her name until November 6, 2013 when it was transferred out of her name.
- Ministry request for further information to confirm if the Appellant sold the vehicle and for how much because the Appellant declared no money for this. The Ministry requested a copy of a fully signed and dated vehicle transfer form, proof of sale price, date of transaction and written confirmation from the new owner that the vehicle is not in the Appellant's possession.
- Information from the Appellant's representative that the truck she had was transferred to the representative's former landlady, but with no documentation.

2. Appellant's request for reconsideration with the following documents:

- Her statement that when the Ministry sends her assistance check in her name as the payee for the shelter portion of her assistance benefits, she gives that to her representative who takes care of things for her as she is unable to.
- A decision by the province's residential tenancy branch regarding a landlord/tenancy dispute not related to the months of August, September or October 2014.
- Letter dated January 29, 2015 from a doctor who indicated that the Appellant has been a patient since May 2012; her overall health, but mainly her mood, was severely affected by a very traumatic event affecting her ability to deal with her affairs and being organized in general.

In her notice of appeal, the Appellant wrote that the doctor explained why she was unable to obtain all information in the short amount of time that she was notified that it was required. She has not received the package yet, just the 1st page of 125.

Because the Appellant did not appear at the hearing, the Panel will consider the statements in her notice of appeal and request for reconsideration to be her position in this appeal. Also, pursuant to section 22(4) of the EAA, the Panel admits the information in the Appellant's notice of appeal as being consistent with and therefore in support of the evidence the Ministry had at reconsideration.

At the hearing, the Ministry reviewed and relied on its reconsideration decision.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry's reconsideration decision denying the Appellant income assistance for failing to provide requested information about ownership of a vehicle and her rental costs for August, September and October 2014 was reasonably supported by the evidence and/or was a reasonable application of the applicable legislation in the Appellant's circumstances.

Applicable Legislation

The following legislation applies to the Appellant's circumstances in this appeal.

EAA Information and verification

10(1) For the purposes of

(a) determining whether a person wanting to apply for income assistance or hardship assistance is eligible to apply for it,

(b) determining or auditing eligibility for income assistance, hardship assistance or a supplement, the minister may do one or more of the following:

(e) direct a person referred to in paragraph (a), an applicant or a recipient to supply the minister with information within the time and in the manner specified by the minister;

(f) seek verification of any information supplied to the minister by a person referred to in paragraph (a), an applicant or a recipient;

(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.

(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.

(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.

EAR Consequences of failing to provide information or verification when directed

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 Parties' Positions

The Appellant's position is that she has medical issues affecting her ability to deal with her affairs and being organized in general. She also had only a short period of time to provide the requested information.

The Ministry's position is that the Appellant had many requests and several months to provide the requested information but failed to do so. Therefore, under section 10 of the EAA she is no longer eligible for income assistance.

The Panel's Findings and Decision

Under section 10 of the EAA, the minister may request information from a person who is receiving income assistance, such as the Appellant, to determine ongoing eligibility for assistance. If the Appellant fails to provide that information, the minister may declare her to be ineligible for assistance.

Having reviewed all of the evidence, the Panel finds that, despite several requests from the Ministry over several months, the Appellant failed to provide the Ministry with the requested information about the vehicle and about her shelter costs and payments for August, September and October 2014. The Appellant also failed to provide that information with her request for reconsideration or for this appeal.

The Panel notes that there is information in the record that some of the other requested information was provided by a representative for the Appellant. There is also information in the record that the vehicle was transferred to the Appellant's representative's landlady. However, the Appellant did not explain why that representative or some other person did not help her provide the requested information about the transfer of that vehicle. She also did not explain why that representative or some other person did not help her provide the requested information about the three months of shelter/rent costs even though she submits she has a medical condition affecting her ability to deal with her affairs. Therefore, the Panel finds that the Ministry reasonably determined, pursuant to section 10(4) of the EAA, that the Appellant was no longer eligible for income assistance. The Panel confirms the Ministry's reconsideration decision.