

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “Ministry”) May 26, 2015 reconsideration decision in which the Ministry determined that, in accordance with section 10 of the Employment and Assistance Regulation, the Appellant was not eligible for income assistance for May 2015 and for June 2015 because her employment earnings in March 2015 and in April 2015 exceeded the total monthly support and shelter allowances she receives.

### PART D – Relevant Legislation

Employment and Assistance Regulation (“EAR”) Section 1 , 10, 24 and Schedule B.

## PART E – Summary of Facts

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

1. Information from the Ministry's records that the Appellant, as a single employable parent with 2 dependant children receives monthly income assistance in the amount of \$943.58; that is, \$375.58 for support and \$568 for shelter.
2. Copies of Records of Employment submitted by the Appellant to the Ministry showing hours worked and wages for March and April 2015.
3. Copies of the Appellant's bank statements showing employment earning deposits of
  - \$750.57 on March 13, 2015 and \$774.54 on March 27, 2015.
  - \$711.38 on April 10, 2015, \$643.87 on April 24, 2015 and \$616.77 on April 27, 2015.
4. Appellant's request for reconsideration, signed on May 21, 2015, in which the Appellant wrote that she is a single mother of 2 children with no current income. She stated that she is completely willing to go back to work as soon as she finds another job, which hopefully will be shortly. The Appellant wrote that with no income assistance for 2 months, not only will she not be able to pay her rent, but she will not be able to buy food or pay any bills.

In her notice of appeal, dated May 31, 2015, the Appellant stated that she is aware that the money she earned in March and April exceeds the amount of allowances. She stated that she disagrees with the Ministry's decision because that money was not spent on anything other than rent, food and bills. The Appellant wrote that she is seeking an appeal to be granted benefits for May and June. Without those benefits, she will not be able to provide for her family. She is willing to pay back the allowances once she obtains a new job.

At the hearing, the Appellant said that she knows that the Ministry's decision is right, but she appealed the decision so that she can get financial help. She said that she has no income to pay her bills and she is behind with those. She used her last employment check from April to pay her rent. The Appellant did confirm that she received an appeal supplement for June.

Pursuant to section 22(4) of the Employment and Assistance Act, the Panel admits the information in the Appellant's notice of appeal and her oral hearing testimony as being consistent with and tending to corroborate the evidence that the Ministry had when it made its reconsideration decision.

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

The Panel makes the following findings of fact, which are not in dispute:

1. The Appellant as a single mother with 2 dependent children receives monthly income assistance of \$943.58.
2. In March 2015, the Appellant earned \$1525.11 from employment.
3. In April 2015, the Appellant earned \$1972.02 from employment.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry's reconsideration decision 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.

#### *Employment and Assistance Regulation*

##### *Section 1 Definitions*

*1(1) In this regulation:*

*"earned income" means*

*(a) any money or value received in exchange for work or the provision of a service.*

##### *Section 10 Limits on Income*

*10(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.*

##### *Section 28 Amount of Income Assistance*

*28 Income assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than (a) the amount determined under Schedule A, minus (b) the family unit's net income determined under Schedule B.*

##### *Schedule B Net Income Calculation*

###### *Deduction and Exemption Rules*

###### *3 Exemption – earned income*

*(3) Unless otherwise provided under subsection (4) or (5), the amount of earned income calculated under subsection (6)(a) is exempt for a family unit that qualifies under this section.*

*(6) The exempt amount for a family unit that qualified under this section is calculated as follows:*

*(a) in the case of a family unit to which subsection (3) applies, the exempt amount is calculated as the lesser of (i) \$200, and (ii) the family unit's total earned income in the calendar month of calculation.*

### The Parties' Positions

The Appellant submitted that she knows that the Ministry's decision is right, but she appealed the decision so that she can get financial help to provide for her family and pay her bills.

The Ministry's position is that the Appellant's earned income from employment in March 2015 and in April 2015 exceeded the total monthly support and shelter allowances she receives, even after it applied the \$200 exemption for each month. Therefore, the Ministry determined, that the Appellant was not eligible for income assistance in May 2015 or in June 2015

### The Panel's Findings and Conclusion

The Panel finds that the Appellant does not dispute that:

- She receives \$943.58 in monthly support and shelter allowance.
- In March 2015, she had earned income of \$1525.11 from employment.

- In April 2015, she had earned income of \$1972.02 from employment.
- Based on these earnings, the Ministry reasonably determined that she was not eligible for any income assistance for 2 months - May 2015 and June 2015.

Because the facts are not in dispute, the Panel finds that the Ministry reasonably determined that, in March 2015 and in April 2015, the Appellant's earned income exceeded the total monthly income assistance she receives, even after applying the \$200 exemption for earned income provided for in Schedule B section 3(6) of the EAR. Therefore, the Panel further finds that the Ministry reasonably determined that, in accordance with section 10 of the EAR, the Appellant was not eligible for income assistance for two successive months. The Panel confirms the Ministry's reconsideration decision.