

### PART C – Decision under Appeal

The decision under appeal is the reconsideration decision dated June 17, 2015 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 (EP). The ministry determined he did not demonstrate reasonable efforts to participate in his employment program 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 April 23, 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.
- An appointment slip from the EPBC contractor dated August 27, 2014 showing the appellant had an appointment September 15, 2014 at 10am.
- A letter addressed to the appellant from the ministry dated June 4, 2014. The letter reads that his upcoming assistance cheque will be held at the ministry office pending a review of his employment plan.
- A letter addressed to the ministry from the EPBC contractor dated June 9, 2015. The letter reads the appellant came into the EPBC contractor's office on June 9, 2015 and made arrangements to attend workshops June 19-30 and a computer course on June 22 and 23, 2015.
- A Request For Reconsideration form dated June 9, 2015 completed by the appellant. He writes that he was evicted from his home on June 3 and he was hoping to have assistance until he can find a new place to live.
- In August 2014 the appellant was switched to an employment program designed for people with addiction issues. The appellant attended appointments with this program on September 26 and Oct 7, 2014 after which the EPBC contractor was not able to contact the appellant.

The appellant was not in attendance at the hearing. After confirming he had been notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

At the hearing the ministry told the panel that as a person considered "employable" the appellant was required to enter into an EP. The EP makes his ongoing eligibility for assistance conditional on him meeting his obligations of the EP. The ministry explained that when the appellant signed his EP on April 23, 2014 it was explained to him his obligations. The ministry had multiple conversations with the appellant and explained the consequences of not complying with the conditions of his EP between April 23, 2014 when he signed the EP and May 26, 2015 when he was found ineligible for further assistance. The appellant informed the EPBC contractor that he had received his Persons with Persistent Multiple Barriers (PPMB) qualification. However the ministry has no record of the appellant applying for, or being approved for, PPMB.

The ministry told the panel that the EPBC contractor has reported the appellant has begun attending his assigned program in June 2015. However this is after the ministry decision finding him ineligible for future assistance had been made and should not be considered as a factor in this appeal.

## 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 was evicted from his home on June 2, 2015 and he is now in compliance with his EP because he is attending the programs with his EPBC contractor.

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 appellant did not make contact with the EPBC contractor between October 7, 2014 and May 26, 2015 when he was found ineligible for further assistance. 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 parties' arguments and the evidence. 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 he was unable to attend his appointments with the EPBC contractor. The evidence shows that the appellant did not make contact with the EPBC contractor between October 7, 2014 and May 26, 2015 when he was found ineligible for further assistance. The panel has not been provided with evidence indicating that the appellant informed the EPBC contractor there was any reason he couldn't meet his obligations.

The panel considered there was no evidence presented that the appellant's had a medical condition that prevented him from attending his appointments with the EPBC contractor.

The panel considered the appellant's argument that he has begun to attend the programs at this EPBC contractor as of June 2015 and that he was evicted June 3, 2015. The panel considered that both of these incidents happened after the ministry had made its original decision on May 26, 2015. 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.