

## PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the ministry) dated December 2, 2015 which held that the appellant was not eligible for further hardship assistance. The appellant had been denied income assistance for failing to complete work search requirement and received hardship assistance pursuant to section 47.2 of the Employment and Assistance Regulation (EAR) for September, October and November 2015 which is the maximum of 3 calendar months allowed under section 39 of the EAR.

## PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), sections 4.1, 39 and 47.2

## PART E – Summary of Facts

The appellant applied for income assistance on September 29, 2015. As he had not completed the required work search, he was determined eligible for hardship assistance only, pending completion of the work search. Ministry records indicate that on this date, and again on October 16, 2015 the work search requirements were explained to the appellant. On October 27, 2015, the ministry again attempted to contact the appellant to discuss his work search; a voicemail message was left and a letter was sent to the appellant. A copy of the October 27, 2015 letter is included in the appeal record. The letter advises the appellant that this is the final reminder of his hardship status and that a 3 week work search describing 5 search related activities per day for 5 days per week is due November 13, 2015 and that November is the 3<sup>rd</sup> and final hardship assistance cheque. Also included in the appeal record is a copy of a Work Search Activities Record signed by the appellant and dated October 29, 2015 showing 1-2 daily activities for a period of 21 days. On November 5, 2015, the ministry attempted to contact the appellant by phone but he was no longer at that number and there was no forwarding number. That day, the appellant was found no longer eligible for hardship assistance having received the maximum 3 month allotment.

In his request for reconsideration, the appellant acknowledges that he wrongly ignored letters from the ministry, believing they were mistakenly sent to him, and that he should have spoken with the ministry. He writes that he is doing more than 5 job search activities each day.

At the hearing, the appellant stated that how to do a job search properly had not been explained to him. He added that he continues to do job searches and has kept a written record of them.

The ministry relied on its reconsideration decision, confirming that the appellant could reapply for regular income assistance and provide his job searches at that time.

[ ]

## PART F – Reasons for Panel Decision

### Issue under appeal

The issue under appeal is whether the ministry decision that the appellant was not eligible for further hardship assistance because the 3 month limit set out under section 39 of the EAR applicable to hardship assistance recipients denied income assistance for failing to complete work search requirements is reasonably supported by the evidence or a reasonable application of the legislation.

### Relevant Legislation

#### **Application for income assistance - stage 1**

**4.1** (1) The first stage of the process for assessing the eligibility of a family unit for income assistance is fulfilling the requirements of subsection (2). (B.C. Reg. 304/2005)

(2) The applicants for income assistance in a family unit

(a) must complete and submit to the minister an application for income assistance (part 1) form and must include as part of the application

(i) the social insurance number of each applicant in the family unit who is a person described in section 7 (2), and (B.C. Reg. 197/2012)

(ii) the information, authorizations, declarations and verifications specified by the minister, as required in the application for income assistance (part 1) form,

(b) subject to subsections (4) and (6) must (B.C. Reg. 85/2012) (B.C. Reg. 197/2012)

**(i) complete searches for employment as directed by the minister for the applicable period under subsection (2.1) immediately following the date of the application under paragraph (a), or (B.C. Reg. 197/2012)**

(ii) demonstrate that each of the applicants has completed a search for employment satisfactory to the minister within the 30 day period prior to the date of the application under paragraph (a),

and in either case provide information about and verification of the searches for employment, in the form specified by the minister. (B.C. Reg. 98/2009)

(2.1) The applicable period for the purposes of subsection (2) (b) (i) is

**(a) 3 weeks, if any applicant in the family unit is a former recipient, and**

(b) 5 weeks in any other case.

### **Hardship assistance - eligibility and limitations**

**39** (1) For a family unit to be eligible for hardship assistance, the family unit

(a) must be ineligible for income assistance for one or more reasons set out in sections 41 to 47.2, and (B.C. Reg. 102/2008) (B.C. Reg. 197/2012)

(b) must not be ineligible for income assistance for any other reason. (B.C. Reg. 161/2004)

(2) A family unit that is eligible for hardship assistance must be provided with hardship assistance

(a) in accordance with Schedule D,

(b) only for the calendar month that includes the date of the applicant's submission of the application for income assistance (part 2) form, and (B.C. Reg. 304/2005)

(c) only from the date in that calendar month on which the minister determines that the family unit is eligible for hardship assistance, subject to

(i) section 4 (2) of Schedule D for hardship assistance provided under sections 41 to 46, and (B.C. Reg. 149/2015)

(ii) section 4 (3) of Schedule D for hardship assistance provided under section 47.2.....

**(4) If**

**(a) hardship assistance has been provided to a family unit under section 47.2 for the calendar month referred to in subsection (2) (c) of this section,**

**(b) the family unit continues to be ineligible for income assistance because a member of the family unit has not satisfied the requirement under section 4.1 (2) (b) respecting the completion of searches for employment, and**

**(c) the member of the family unit who has not satisfied that requirement is, if applicable, taking the steps to satisfy the requirement as directed by the minister,**

**hardship assistance may be provided under section 47.2 for a further 2 consecutive calendar months following the initial calendar month for which the hardship assistance is provided.**

## **Applicants who do not meet work search requirements**

**47.2** (1) The minister may provide hardship assistance to a family unit that is ineligible for income assistance because a member of the family unit has not satisfied the requirement under section 4.1 (2) (b) respecting the completion of searches for employment, if

(a) the applicants who submitted the application for income assistance (part 1) form also submit to the minister an application for income assistance (part 2) form that, subject to this section, complies with section 4.2, and

(b) The minister considers that

(i) any person in the family unit has an immediate need for food or shelter or needs urgent medical attention, and

(ii) undue hardship will occur if the hardship assistance is not provided.

(2) An applicant may submit an application for income assistance (part 2) form under subsection (1) (a) for the purpose of applying for hardship assistance even though the requirements under section 4.1 (2) (b) respecting the completion of searches for employment have not been satisfied.

### *Appellant's position*

The appellant's position is that the ministry did not explain how to conduct a proper job search, that he has continued to do job searches and that he is still in need of assistance.

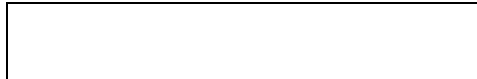
### *Ministry's position*

The ministry's position is that because the appellant received hardship assistance for the months of September, October and November 2015 pursuant to section 47.2 of the EAR, having been denied income assistance for failing to complete the required work searches, he is not eligible for further hardship assistance in accordance with section 39 of the EAR which limits the hardship assistance which may be provided under section 47.2 of the EAR to 3 calendar months.

### *Panel Decision*

Section 39(1) of the EAR provides that a family unit may receive hardship assistance if the family unit was ineligible for income assistance for one or more reasons set out in sections 41 to 47.2 of the EAR. In this case, the appellant was ineligible for income assistance for the reason set out in section 47.2 of the EAR – he had not satisfied the requirement under section 4.1(2)(b) of the EAR respecting the completion of searches for employment.

Section 39 sets out the period for which a family unit may receive hardship assistance under section 47.2 of the EAR – subsection (1) allows for the provision of hardship assistance for an initial calendar month and subsection (4) allows for the provision of hardship assistance for an additional 2 calendar



months.

The fact that the appellant received hardship assistance under section 47.2 of the EAR for the 3 calendar months of September, October and November 2015 is not in dispute. In accordance with section 39 of the EAR, specifically subsections (1) and (4), the panel finds that the ministry has reasonably determined that such hardship assistance may only be provided for 3 calendar months and that consequently the appellant is not eligible for further hardship assistance.

As the reconsideration decision was a reasonable application of the applicable legislation in the circumstances of the appellant, the panel confirms the reconsideration decision.