

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision dated November 30, 2015 in which the ministry determined that the appellant was not eligible for income assistance because he had not provided requested information as per section 10 of the Employment and Assistance Act (EAA) Specifically, the appellant had not supplied his primary identification and his Bank Profile as requested for the purpose of determining his eligibility for assistance.

## PART D – Relevant Legislation

Employment and Assistance Act (EAA) Section 10  
Employment and Assistance Regulation (EAR) Section 32

## PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- Ministry letter requesting documents dated October 5, 2015
- Ministry letter requesting documents dated October 19, 2015
- Ministry letter denying further income assistance dated November 3, 2015
- Rent receipts April, May, June, July, August, September of 2015
- Bank account information for account A
- Bank transaction History dated Sep. 14, 2015-Oct. 30, 2015 for account B
- Request for Reconsideration dated November 17, 2015

The appellant has been receiving income assistance as a sole recipient. His file was opened in May 2014.

On June 16, 2015 the ministry called and left a message for the appellant to make a eligibility review appointment.

On October 5, 2015 the ministry mailed a letter requesting the appellant provide information by October 19, 2015 for the purpose of determining his eligibility for assistance. Requested information included:

- Identification,
- Rent receipts,
- Records of income,
- Record of Employment,
- Statements of all bank accounts,
- Statements for all investments, and
- Income tax Notice of Assessment 2013-2014

The appellant was to contact a ministry worker (direct phone number provided) after information was provided or if he had any difficulty providing any of the documents.

On October 19, 2015 the ministry noted the appellant had not provided any of the information and a second letter was sent requesting all information by November 2, 2015.

On November 3, 2015 the ministry noted the appellant had not provided any of the requested information, called the appellant and left a voice message. The ministry turned off cheque production for the appellant and mailed a letter listing the required documents requested and that he was not eligible for assistance because he had not provided all information requested.

On November 12, 2015 the appellant requested a reconsideration of the decision.

In the appellant's Request for Reconsideration he stated that:

- When all documents were to be submitted he had lost his wallet which had his I.D. and bank card;
- his father, who shares a joint bank account, retrieved his bank statement profile;

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- he has been going through an episode of depression and anxiety;
  - he suffers from panic attacks when he leaves his house; and
  - he is currently looking for a therapist or counselor and needs income assistance while focusing on bettering his mental health.

In reviewing the request for reconsideration, with documents supplied by the appellant, the ministry was satisfied the appellant had met their request for the following information:

- Rent Receipts
- Assets and Income
- Income Notice of Assessment

In the reconsideration review the ministry was not satisfied the appellant had supplied the required information for identification and his bank profile.

- **Identification-** to be eligible for assistance the appellant must supply one of the stipulated primary (photo) identifications (ID) and one stipulated secondary ID. Records show the appellant did not supply a primary ID. He was given access to the Client Identification Process which permits a person to be eligible for assistance temporarily for up to 6 months while they obtain the required ID. He was also advised to obtain a free BC Identification Card (stipulated primary ID) with his available identification submitting it once obtained, however the appellant did not. As well, the ministry notes the appellant states his ID was lost with his wallet; he had not called to advise the ministry at the time he had received the letters of request and that he had had more than a month and a half and one assistance payment to obtain the requested ID.
- **Bank Profile-** Assistance is income and asset tested. Therefore, the minister requires a bank profile for the purpose of determining the appellant's eligibility for assistance. The account information printout supplied by the appellant is not equivalent to a bank profile as it only lists the information related to the single account and does not confirm all accounts he holds at the bank.

### ***Admissibility of Additional Information***

The following new evidence was sent December 14, 2015 to the Employment and Assistance Appeal Tribunal for consideration in the appellant's appeal:

- Letter of BC Services Statement of Declaration, Interim BC Services Card,
- Bank Client Overview dated stamped December 14, 2015,
- Birth Certificate, and
- Visa Card.

The ministry did not object to the admissibility of the additional documents submitted at the hearing by the appellant and noted these were not before the ministry at the time of reconsideration. The panel considered the BC services letter, Bank Overview, Birth Certificate and Visa card as part of the information required by the ministry at reconsideration. Therefore, the panel admitted this additional information as being in support of information and records that were before the ministry at the time of the reconsideration, in accordance with Section 22(4)(b) of the *Employment and Assistance Act*.

## PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision dated November 30, 2015 which found that the appellant was ineligible for income assistance in accordance with sections 10 of the EAA and 32 of the EAR as the appellant has not provided the ID and the Bank Profile requested for the purpose of determining eligibility for assistance.

The relevant legislation is Section 10 of the EAA and Section 32 of the EAR.

### **Employment and Assistance Act (EAA) Section 10**

#### **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,
- (c) assessing employability and skills for the purposes of an employment plan, or
- (d) assessing compliance with the conditions of an employment plan,

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.
- (3) Subsection (1) (e) to (g) applies with respect to a dependent youth for a purpose referred to in subsection (1) (c) or (d).

**(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.**

(5) If a dependent youth fails to comply with a direction under this section, the minister may reduce the amount of income assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.

## **Employment and Assistance Regulation (EAR) Section 32**

### **Consequences for 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.

(2) For the purposes of section 10 (5) [*information and verification*] of the Act,

(a) the amount by which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit is \$100 for each calendar month, and

(b) the period for which the minister may reduce the income assistance or hardship assistance of the dependent youth's family unit lasts until the dependent youth complies with the direction.

### **Appellant's Position**

The appellant's position was that he was unable to supply all required information to the ministry as he had lost his wallet which contained his photo ID. He explained that the additional evidence supplied, (Bank Client Overview dated stamped December 14, 2015), was the actual information required by the ministry as a Bank Profile, explaining he was mistaken when he sent the other bank information (Bank account information for account A and Bank transaction History dated Sep. 14, 2015-Oct. 30, 2015 for account B) to the ministry as a Bank Profile. The appellant also noted he suffers from anxiety and has difficulty leaving his home so was not able to apply for his photo ID. The appellant also explained that his primary ID had arrived December 24<sup>th</sup> but that he had not sent this information into the ministry.

### **Ministry's Position**

In the reconsideration decision, the ministry stated it was satisfied all information was supplied except for a primary (photo) ID and a Bank Profile. With the new evidence supplied at the hearing, the ministry representative accepted that the Bank Profile information requirement had been met but noted that the appellant still had not supplied the ministry with his Primary ID as is required in sections 10 of the EAA and 32 of the EAR. The ministry representative explained that if the appellant did have his primary ID he could send this into the ministry at any time in order to meet the information requirement and not to wait to see what the panel had decided.

## **Panel Decision**

The legislation, section 10 (1) of the EAA states that for the purpose of determining or auditing eligibility for income assistance, hardship assistance or a supplement the minister may direct a recipient to supply the minister with information within the time and in the manner specified by the minister; and (4) states that 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. As the appellant had more than six months to supply primary photo ID and the appellant stated he had not supplied all the required information, the ministry's decision that he had failed to comply with the minister's request was reasonable.

The panel finds that the ministry's reconsideration decision dated November 30, 2015 which found that the appellant was ineligible for income assistance in accordance with sections 10 of the EAA and 32 of the EAR was reasonably supported by the evidence, and therefore confirms the ministry's decision.