



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision of November 20, 2015 in which the ministry determined that the appellant was ineligible for income assistance because he had not complied with the terms of his employment plan (EP), specifically because he failed to demonstrate reasonable efforts to participate in his employment program as required by Section 9 (4) of the Employment and Assistance Act (EAA).

PART D – Relevant Legislation

Employment and Assistance Act (EAA), Section 9

PART E – Summary of Facts

The appellant has been a sole recipient of income assistance since 2012.

The evidence before the ministry at the time of reconsideration consisted of the following:

- EP signed by the appellant on March 26, 2015 in which the appellant acknowledged that failure to comply with the conditions of his EP would render him ineligible for income assistance (IA), and in which he agreed to:
 - attend a first appointment with his Employment Program of BC (EPBC) contractor on or before April 9, 2015;
 - participate in EPBC programming regularly and as directed by the contractor;
 - complete all tasks assigned, including any actions set out in his EPBC action plan;
 - call the EPBC if he could not take part in services or complete steps to which he had agreed;
 - contact EPBC within 1 week of moving to ask EPBC contractor to transfer his file; and
 - declare all income and report any changes to the ministry and attend all ministry appointments.
- November 20, 2015 letter from the ministry to the appellant informing him that he was not eligible for income assistance because he had not complied with the terms of his EP;
- request for reconsideration received by the ministry November 13, 2015 in which the appellant stated that he did not know the rules of his EP before he signed it.

In his Notice of Appeal dated December 22, 2015 the appellant stated that:

- his father had passed away and it was his responsibility to get the annual salmon catch for the family;
- he would seek out seasonal agricultural work in another part of the province (near City C);
- he believed he would be away from his city of residence (City A) for only a few weeks;
- when he attended at a ministry office in another city (City B) to pick up his assistance cheque no one spoke to him about his employment program or EP, and he forgot about it himself;
- he then relocated to City C;
- there are almost no employment possibilities in the regions surrounding City B or City C;
- he should have kept in touch with the ministry but did not know that he could not leave City A without informing his EPBC contractor.

No additional evidence was submitted by the appellant or the ministry.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry decision of November 20, 2015 in which the ministry determined that the appellant was ineligible for income assistance because he failed to comply with the terms of his employment plan (EP), specifically because he failed to demonstrate reasonable efforts to participate in his employment program as required by Section 9 (4) of the Employment and Assistance Act (EAA).

The relevant legislation is as follows:

EAA:

Employment plan

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.

(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 argues that he did not know the rules of his EP before he signed it, and specifically did not understand that he should have informed his EPBC contractor before relocating to the area near City C, and that when he appeared at the ministry office in City B to pick up his assistance cheque he was not advised that he was non-compliant with his EP. He adds that his father passed away and he assumed the responsibility of hunting and fishing to meet the needs of his family. He also tried unsuccessfully to find seasonal agricultural work.

The ministry argues that prior to signing the EP the conditions, including the requirements for compliance and consequences of non-compliance, were explained to the appellant. The appellant stated that he understood that compliance was a condition of eligibility for income assistance. Details of the appellant's non-compliance included the following:

- on May 6, 2015 the EPBC contractor returned the appellant's referral because he had not contacted them as required;
- the ministry held the appellant's June 2015 assistance, and when the appellant appeared on

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May 28, 2015 to pick up his assistance cheque he was advised of his requirement to comply with the conditions of his EP and the consequences of non-compliance. The ministry provided the appellant with contact information for the EPBC office in City C and advised the appellant that he was not eligible for assistance until he had completed the EPBC intake process;

- on June 4, 2015 the appellant attended his intake appointment and his June 2015 assistance cheque was released to him;
- the appellant failed to attend an employment program appointment on June 26, 2015;
- on July 15, 2015 the appellant called his EPBC contractor and advised he had left town and would contact their office upon his return;
- on July 30, 2015 the EPBC closed the appellant's file.
- On July 30 and August 28, 2015 the appellant attended at the ministry office in City B to pick up his assistance cheque;
- on October 13, 2015 the ministry reviewed the appellant's EP compliance and held his November 2015 assistance pending a compliance review;
- on October 23, 2015 the appellant attended at the ministry office in City C to pick up his assistance cheque;
- on October 26, 2015 the appellant left a voice message with the ministry informing them that he was fishing for his family, and the next day the appellant advised that he would be his family's lead hunter for the coming winter, and that he had left 3 or 4 messages with the EPBC in August and September but had not left a call-back number;
- the EPBC informed the ministry that the appellant had not made further contact with them since July 2015.

Panel Decision

EAA Section 9 (1) states that a recipient of income assistance must comply with the conditions of the employment plan in order to be eligible for assistance. Subsection (4) specifies that if an employment plan includes a condition requiring a person to participate in a specific employment-related program that condition is not met if the person fails to demonstrate reasonable efforts to participate in the program or ceases, except for medical reasons, to participate.

The appellant failed to attend his intake appointment and did not do so until his June 2015 assistance was held. He left City A and relocated to City C without informing his EPBC contractor, which was a breach of the condition in his EP that he contact the EPBC contractor in his new area within 1 week of moving in order to arrange for transfer his EPBC file. He also failed to attend a scheduled EPBC appointment on June 26, 2015. On July 15, 2015 he advised his EPBC contractor that he had left town and would contact the office on his return, but made no further contact with them. He provided no medical evidence to explain his non-participation.

The panel finds that the ministry reasonably determined that the appellant was ineligible for income assistance because he did not comply with the conditions of his EP as required by EAA Section 9 (1) (b), specifically by failing, without medical reason, to make reasonable efforts to participate in his employment program as required under Section 9(4) (a) by failing, without medical reason, to attend scheduled appointments, failing to inform EPBC of his relocation to City C in a timely manner to arrange transfer of his EPBC file, and failing to communicate with his EPBC contractor to advise them of his circumstances and to arrange new appointments.

In conclusion, the panel confirms the decision.