



PART C – Decision under Appeal

Under appeal is the Ministry of Social Development and Social Innovation's ("the ministry") March 8, 2016 reconsideration decision that under sections 10 and 33 of the Employment and Assistance Regulation, the appellant was not eligible for March 2016 income assistance because employment earnings exceeded the amount of the support/shelter allowance.

PART D – Relevant Legislation

EAR Employment and Assistance Regulation, sections 10, 33, schedule B

PART E – Summary of Facts

The evidence before the ministry at reconsideration was

- The appellant was a recipient since December 2015 of \$610 monthly income assistance as a single person.
- On February 18, 2016 the appellant advised the ministry that she started a temporary job in January, asked how to declare her earnings, and was told to declare all the January earnings on the monthly stub for March assistance.
- February 24, 2016 monthly report declaring January earnings of \$1528.16 and noting the temporary assignment ended February 18, 2016. A worker advised the appellant she would not be eligible for March income assistance because the income was more than her assistance rate.
- Statements of earnings and deductions totalling \$1528.16 net pay.

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

The ministry representative had no evidence to add to the information in the appeal record, but did explain the ministry's procedure in dealing with an assistance recipient's report of employment income, and stated the legislation requires the deduction for earned income be made for the month following the report.

PART F – Reasons for Panel Decision

The issue under appeal is whether the the ministry's reconsideration decision was a reasonable application of the legislation in the circumstances of the appellant or reasonably supported by the evidence. The ministry determined that under sections 10 and 33 of the Employment and Assistance Regulation, the appellant was not eligible for March 2016 income assistance because employment earnings exceeded the amount of the support/shelter allowance.

Relevant Legislation

Employment and Assistance Regulation (excerpts)

Limits on income

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(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.

Monthly reporting requirement

33 (1) For the purposes of section 11 (1) (a) [reporting obligations] of the Act,

(a) the report must be submitted by the 5th day of each calendar month, and
(b) the information required is all of the following, as requested in the monthly report form prescribed under the Forms Regulation, B.C. Reg. 95/2012:

- (i) whether the family unit requires further assistance;
- (ii) changes in the family unit's assets;
- (iii) all income received by the family unit and the source of that income;
- (iv) the employment and educational circumstances of recipients in the family unit;
- (v) changes in family unit membership or the marital status of a recipient;
- (vi) any warrants as described in section 15.2 (1) of the Act.

Schedule B – Net Income Calculation

Exemption – earned income

3 (1) Subject to subsection (2), the amount of earned income calculated under subsection (6) is exempt for a family unit.

(2) If an application for income assistance (part 2) form is submitted to the minister, the family unit may not claim an exemption under this section in relation to the first calendar month for which the family unit becomes eligible for income assistance unless a member of the family unit received disability assistance under the Employment and Assistance for Persons with Disabilities Act for the calendar month immediately preceding that first calendar month.

(3)-(5) Repealed. [B.C. Reg. 145/2015, Sch. 1, s. 16.]

(6) The exempt amount for a family unit is the lesser of the family unit's total earned income in the calendar month of calculation and the following:

(a) \$200, if the family unit is not described in paragraph (b), (c) or (d);

(b) \$400, if the family unit

(i) includes a recipient who

(A) has a dependent child, or

(B) provides care to a supported child, and

(ii) is not described in paragraph (c) or (d);

(c) \$500, if

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- (i) the family unit includes a recipient who*
 - (A) has a dependent child, or*
 - (B) provides care to a supported child,*
 - (ii) the child has a physical or mental condition that, in the minister's opinion, precludes the recipient from leaving home for the purposes of employment or working, on average, more than 30 hours each week, and*
 - (iii) the family unit is not described in paragraph (d);*
 - (d) \$500, if the family unit includes a person who has persistent multiple barriers to employment.*

Appellant's Position

The appellant argues the January income was used to pay for January expenses and was not enough for two months, that she should not be penalized for March 2016.

Ministry's Position

The ministry argues that as the appellant's January 2016 employment earnings, less the \$200 exemption, exceeded the monthly shelter/support allowance, under the EAR section 10 the appellant is not eligible for financial assistance. The ministry states EAR section 33 requires the reporting of income by the 5th day of the month following the month the income is received. The income was reported in February and therefore applied to the March 2016 assistance.

Panel's Decision

In her February 2016 monthly report to the ministry the appellant reported an employment income of \$1528.16. The panel notes the ministry correctly applied a \$200 exemption, but the net income still exceeded the appellant's \$610 monthly income assistance. Under section 10 of the EAR, if net income equals or exceeds the applicable income assistance, a recipient is not eligible for income assistance. The ministry advised the appellant she would not receive income assistance for March 2016.

The panel finds the ministry's reconsideration decision was a reasonable application of the applicable enactment in the circumstances of the appellant and confirms the decision.