

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry's) reconsideration decision dated April 4, 2016 in which the ministry determined that the appellant was not eligible for income assistance because he had not provided requested information as required in section 10 of the *Employment and Assistance Act* (EAA).

## PART D – Relevant Legislation

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

## PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that he was notified, the hearing proceeded under s. 86 of the EAR.

The appellant is receiving income assistance as a single parent with one child.

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

- October 8, 2015 – Application for Income Assistance signed by the appellant which outlines, among other things, his responsibilities and reporting obligations.
- February 3, 2016 – the ministry mailed a letter to the appellant requesting photo ID, rent receipts and utility bills for January 2016, current bank account statements for all accounts from November 2015, bank profiles for all accounts and statements for all pensions, investments, RRSP's and any other assets.
- February 23, 2016 – the ministry mailed a second letter requesting that the appellant submit photo ID, rent receipts and utility bills for January 2016, current bank account statements for all accounts from November 2015, bank profiles for all accounts, and statements for all pensions, investments, RRSP's and any other assets.
- March 9, 2016 – the ministry's investigative officer (IO) mailed the appellant a letter advising that because he did not respond to the previous two letters requesting information, the minister was not able to determine the appellant's eligibility, and the appellant is denied further income assistance.
- March 23, 2016 – the appellant contacted the IO and requested reconsideration stating he felt that he was being "picked on" and that he refused to provide any of the requested documents.
- March 23, 2016 – the appellant signed a request for reconsideration stating he is being targeted because he is a single father and had to go above and beyond to prove need when he applied for assistance. Also his eligibility is brought into question and he is entitled to benefits like anyone else.

At the hearing:

The ministry relied on the reconsideration decision, as summarized at the hearing. At the hearing ministry stated that:

- The practice of the Prevention Loss Management Services (PLMS) within the ministry is to review files with high rent to income assistance ratio of 70% or higher. In the case of the appellant, the ratio is 83%.
- On March 23 when the appellant contacted the ministry, the discussion confirmed that the appellant had received the three previous letters. In that discussion the appellant stated that he felt he was being "pick-on" and he refused to provide any of the requested documents.

## PART F – Reasons for Panel Decision

The issue under appeal is the ministry's reconsideration decision dated April 4, 2016 which found that the appellant was ineligible for income assistance because the appellant has not provided the ministry with requested information in accordance with section 10 of the EAA and section 32 of the EAR.

### **Relevant Legislation:**

#### **Section 10 EAA**

##### **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.

#### **Section 32 EAR**

##### **Consequences of 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.



**Panel decision**

The panel finds that the Appellant did not provide any of the information requested by the ministry as set out in s.10(2) of the EAA. Section 10(4) of the EAA 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.” Section 32(1) of the EAR states that “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.” Accordingly, the panel finds the ministry decision that the appellant was not eligible for income assistance under section 10 of the EAA and section 32 of the EAR is reasonably supported by the evidence. The panel therefore confirms the ministry's decision.