



PART C – Decision under Appeal

The decision under appeal is the ministry's Reconsideration Decision dated June 20, 2016 that held that the appellant failed to provide the information requested under section 10 of the Employment and Assistance Act (EAA) for the purpose of determining his eligibility. The ministry found that the appellant was ineligible for further income assistance due to his failure to provide the requested information in accordance with section 32 of the Employment and Assistance Regulation.

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:

- A letter from the ministry dated April 7, 2016 addressed to the appellant. The letter reads that the ministry is conducting a review of his file and lists documents that he must provide to the ministry by May 3, 2016. The list includes:
 - BC Health services Card.
 - Rent receipts and utility bills for April 2016.
 - Records of all income from January 1, 2012 to April 30, 2016.
 - Statements of all bank accounts from June 1, 2014 to April 30, 2016.
 - Banking profiles from June 1, 2014 to April 30, 2016.
 - Statements for all investments, RRSP's, pension funds, or any other assets.
 - Income tax Notice of Assessments for 2014 and 2015 if completed.
 - Tax slips for 2014 and 2015.
 - Cheque cashing history for all cheque cashing businesses used from June 1, 2014 to April 30, 2016.
 - Documents for any business income received June 1, 2014 to April 30, 2016 including supporting documentation.
 - A completed medical form if he is unable to seek employment.
- A letter from the ministry dated May 3, 2016 addressed to the appellant. The letter read that the ministry had not received the documentation requested in the April 7, 2016 letter. The letter included a checklist of the documents the appellant must submit to the ministry.

In the Request For Reconsideration dated June 1, 2016 the appellant wrote:

- He has done everything in his power to get the information the ministry requested.
- The cheque cashing company he uses wants to charge him a service fee to provide a printout of his history with the company.
- He left getting the information to the last minute because he has been depressed.
- His financial institution is charging him a fee for his banking records.
- It will take 4-6 weeks to get his t4 and t500 forms from the Canadian Revenue Agency.
- He has filed his personal tax returns for 2010 to 2015 with the help of a community services provider.
- He has had difficulty gathering this information because he does not have transportation and he is disabled.

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

At the hearing the ministry told the panel that the letter sent to the appellant on April 7, 2016 included the option to contact the ministry for assistance in collecting the required documentation however the appellant did not contact the ministry until May 3, 2016 when the documents were required. During that call the appellant said he felt the ministry was harassing him and the ministry offered him assistance in obtaining the required documentation. The ministry told the panel that the appellant provided his ID, his April rent receipt, and birth certificate on May 20 and then he called the ministry on May 26. On the May 26 call he told the ministry that he was in the process of filing his taxes with the help of a community organization but he did not provide the ministry any confirmation that his tax filing was in process.

PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the ministry's decision that found the appellant ineligible for income assistance, in accordance with section 32 of the Employment and Assistance Regulation, due to his failure to provide requested information. The ministry requested information from the appellant for the purpose of determining his eligibility under section 10 of the Employment and Assistance Act.

The relevant legislation is:

Employment and Assistance Act 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

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.

Arguments of Parties

It is the ministry's position that the appellant did not provide the information requested of him. The ministry maintains that the information requested under the authority of section 10 of the EAA was required to establish his eligibility for income assistance and, as a result of not reporting the information, the appellant was found ineligible for income assistance.

The appellant's position is that he has done everything possible to provide the ministry with the requested documentation. He argues that he has been challenged by his health, the cost of acquiring the statements, a lack of transportation, and the time it has taken to file his taxes.

Panel Decision

The legislation, EAA section 10 provides that the ministry may, for the purposes of auditing eligibility for income assistance; the ministry may direct a recipient to supply the ministry with information within the time and manner specified by the minister. In the appellants case the ministry sent a letter that requested documentation from the appellant on April 7, 2016. The appellant was given until May 3, 2016 to comply with the request however by that date he had submitted only his ID, birth certificate, and rent receipt.

The panel considered the appellant's argument that he has faced challenges to gathering the information including his health, the cost of acquiring the statements, a lack of transportation, and the time it has taken to file his taxes. The panel considered that he did not provide the ministry with confirmation of his progress or that his taxes had been filed. The panel considered that the appellant had not sought the assistance offered by the ministry in gathering the requested documentation. The panel finds the ministry was reasonable to determine the appellant had failed to comply with the ministry's request and is therefore ineligible for income assistance as per EAR section 32.

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