

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry's) reconsideration decision dated July 26, 2016 in which the ministry determined that the appellant was not eligible for disability assistance because he had not provided requested information as required in Section 28 of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) and he is ineligible for assistance until he provides the required information.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA), Section 10
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), Section 28

PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that the appellant was notified of the hearing, the hearing proceeded in his absence in accordance with section 86(b) of the Employment and Assistance Regulation.

The appellant is receiving disability assistance as a single parent. His file was re-opened March 17, 2011.

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

- March 29, 2016 – the Investigation Officer (IO) issued a letter to the appellant requesting information on any income other than government deposits from January 1, 2015 to December 31, 2015 to be submitted by April 29, 2016. It also requested bank statements for the last 3 months.
- May 3, 2016 – the appellant submitted bank statements for 2 months which contained several unexplained deposits.
- May 19, 2016 – the IO mailed a request for information letter to the appellant for bank statements for January 1, 2016 to January 31, 2016. The letter also requested confirmation of the source of all income, deposits, and transfers other than government deposits from January 1, 2015 to March 31, 2016.
- May 20, 2016 – the IO sent a request to the appellant's bank to provide details of all of the unexplained deposits and email transfers into and out of the appellant's bank account.
- May 30, 2016 – the appellant submitted bank account statements for the period from January 2016 to March 2016. The appellant's letter states that he withdraws money that he thinks he will need and then deposits whatever money he didn't need back into the bank account. The appellant states that this is not income but if it was it does not amount to over \$9,000 which the appellant states he is entitled to earn over and above disability assistance benefits.
- May 31, 2016 – when the IO questioned the appellant about deposits into his account as well as the email transfers out, which is significantly more than the verifiable income the appellant receives, the appellant states that he receives money from a friend to transfer to another friend. The appellant explains that he is the middle man. The IO advised the appellant that he needs to provide proof of where the deposits are coming from and confirmation of where the email transfers are going to.
- June 20, 2015 – the IO received the appellant's bank statements from January 2015 to December 2015.
- June 24, 2016 – The appellant's disability assistance was withheld and the appellant advised the ministry that he was aware of the information that was required but could not provide the

information regarding the deposits.

- June 29, 2016 – the IO mailed a letter to the appellant advising him that he has failed to provide information requested by the minister and as such, he is no longer eligible for disability assistance. The appellant was advised that he had failed to provide the source of each deposit and email transfer in and out of his account from January 1, 2015 to March 31, 2016.
- July 13, 2016 – the appellant signed a request for reconsideration stating he will prove that he did nothing wrong and should have his disability assistance re-instated.

In the Notice of Appeal filed August 10, 2016, the appellant states that he disagrees with the reconsideration due to a lack of communication and understanding of how and where to get information, and not being able to accomplish these tasks without help and he has done his utmost best to provide the information requested.

At the hearing:

The ministry relied on the reconsideration decision as summarized at the hearing. The appellant failed to provide all the requested information related to the source of each deposit and email transfers in and out of his bank account from January 1st, 2015 to March 31, 2016. However, the appellant did provide confirmation of 26 of 42 email transfers out of his bank account which left 16 unconfirmed email transfers totaling \$7,080. Additionally, the appellant has not provided any information regarding who is responsible for depositing money into his bank account. The appellant must comply with the ministry's request to provide the source of all deposits in and confirmation of all email transfers out of the appellant's bank account in order to be eligible for disability assistance.

PART F – Reasons for Panel Decision

The issue under appeal is the ministry's reconsideration decision dated July 26, 2016 which found that the appellant was ineligible for disability assistance because the appellant has not provided the ministry with requested information in accordance with Section 28 EAPWDR and he is ineligible for assistance until he provides the required information.

Relevant Legislation:

Section 10 EAPWDA

Information and verification

10 (1) For the purposes of

(a) determining whether a person wanting to apply for disability assistance or hardship assistance is eligible to apply for it,

(b) determining or auditing eligibility for disability 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 disability 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 disability 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 disability assistance or hardship assistance provided to or for the family unit by the prescribed amount for the prescribed period.

Section 28 EAPWDR

Consequences of failing to provide information or verification when directed

28 (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 disability 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 disability assistance or hardship assistance of the dependent youth's family unit lasts until the dependent youth complies with the direction.

Panel decision

Relevant to this case is section 10 of the EAPWDR that states that for the purposes of determining or auditing eligibility for assistance, the minister may request information from a recipient or seek verification of any information supplied by a recipient. The minister may direct a recipient to supply verification of any information he or she supplied. If the recipient fails to comply with a direction under this section, the minister may declare the family unit ineligible for assistance. As stated in section 28 EAPWDR, the family unity remains ineligible until the requested information is provided.

The panel must consider the facts of this case as it applies to the legislation. The evidence in this case is that the appellant failed to provide all of the requested information related to the source of each deposit and email transfers in and out of his bank account from January 1st, 2015 to March 31.2016. The appellant did provide confirmation of 26 of 42 email transfers out of his bank account leaving 16 unconfirmed email transfers totaling \$7,080. Additionally, the appellant has not provided any information regarding who is responsible for depositing money into his bank account

The appellant argues that there was a lack of communication and understanding of how and where to get information, and not being able to accomplish these tasks without help and he has done his upmost best to provide the information requested. He argues that he was simply a go-between for the monies transferred in and out of his bank account.

The panel finds that the Appellant did not supply all the verification of information requested by the minister as set out in s.10 of the EAPWDA. Section 10(4) EAPWDA states that “If a recipient fails to comply with a direction under this section, the minister may declare the family unit ineligible for disability assistance, hardship assistance or a supplement for the prescribed period.” Section 28 of the EAPWDR 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.”

For these reasons, the panel finds the ministry decision that the appellant is not eligible for disability assistance until he provides the information as required under section 28 EAPWDR is reasonably supported by the evidence and confirms the decision.