



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (“ministry”) reconsideration decision dated September 20, 2016, which held that the appellant was ineligible for continued hardship assistance because he did not provide all of the information requested by the ministry under section 10(1) and 10(4) of the *Employment and Assistance Act* and that he would be ineligible under section 32(1) of the *Employment and Assistance Regulation* until he complies with the ministry’s direction.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) – section 10.
Employment and Assistance Regulation (EAR) – section 32.

PART E – Summary of Facts

Evidence before the ministry at reconsideration consisted of the appellant's signed Request for Reconsideration dated 07 September 2016, included with which were following:

1. Receipt for notarization services;
2. Completed and notarized statutory declaration for proof of identity form from another province;
3. Notarized declaration confirming the identity of the appellant, sworn by an individual who has known the appellant for 3 years;
4. Notarized copies of the declarant's BC Driver's Licence;
5. Completed application for the appellant's birth certificate from another province; and
6. Completed "Applicant's Consent to Designated Agent" form allowing the declarant to apply for the appellant's birth certificate from another province.

In his request for reconsideration the appellant wrote:

- He actively tried to maintain proper identification
- It was harder than expected to notarize birth certificate if you don't have family to do so
- He finally got the papers notarized and brought them to the Nanaimo office
- He was told he would be reimbursed for notary costs, but was not
- He is trying to apply for PWD but cannot do so until he receives proper I.D.
- He also needs identification to file taxes and receive GST
- He needs some assistance to finish getting his birth certificate sent out

In the Notice of Appeal, the appellant expressed his disagreement with the ministry's reconsideration decision and wrote:

- Given \$610 per month
- Did not have extra money after rent, food & bills to get birth certificate notarized and sent out
- Had to wait 4 months to receive the correct paperwork to begin with

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

At the hearing, the ministry relied on its reconsideration decision.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry was reasonable in finding the appellant ineligible for continued hardship assistance. More specifically, the issue is the reasonableness of the ministry's reconsideration decision which held that the Appellant was ineligible for continued hardship assistance because he did not provide all of the information requested by the ministry under section 10(1) and 10(4) of the EAA, so that his eligibility for hardship assistance could be determined; and, that he will be ineligible for hardship assistance until he complies with the ministry's direction as set out in section 32(1) of the EAR.

The legislation provides:

Employment and Assistance Act

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

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.

The position of the parties

The appellant's position is that he actively tried to maintain his identification but that it is difficult to obtain identification documents, particularly without family. As well, the appellant argued that he did

not have additional funds to pay for notarization and delivery of documents. The appellant also argued that it took 4 months for him to receive the correct paperwork to apply for identification.

The ministry's position is that the appellant has known since January 2016 that he was required to provide identification. In January 2016, the appellant was found to be eligible for hardship assistance pending identification; this is referred to as hardship assistance - identity not established. The ministry argued that the appellant has had the correct application forms to obtain his identification since May 2016 but did not submit the completed and notarized forms to the ministry until August 2016. As well, the ministry submitted that the appellant did not demonstrate that circumstances beyond his control prevented him from applying for identification, or provide any explanation as to why he was unable to submit the notarized application for more than 3 months. The ministry's position is that the appellant failed to pursue the required identification documents for 3 months. The ministry's position is that the appellant is ineligible for hardship assistance until he meets the identification requirements.

Panel Decision

The panel finds that the ministry's request for information to determine and verify the appellant's eligibility for hardship assistance under section 10(1) of the EAA was a reasonable application of the legislation in the circumstances of the appellant. The panel finds the appellant did not comply with the ministry's direction. The panel notes that, while he was originally provided with the incorrect application paperwork in January, the appellant has had the correct paperwork since May 2016. The panel finds that the appellant was aware of the requirement to provide identification and that the appellant had a reasonable opportunity to provide the information as directed. The panel further finds that the appellant has not provided sufficient information to demonstrate that the circumstances beyond his control prevented him from applying for his identification. The panel finds that the ministry's determination that the appellant was ineligible for continued hardship assistance for failure to comply with the ministry's direction under section 10(4) of the EAA is a reasonable application of the legislation in the appellant's circumstances. The panel also finds that the ministry's determination that the appellant will remain ineligible for income assistance until he complies with the ministry's direction under section 32(1) of the EAR was a reasonable application of the legislation. The panel concludes that the ministry's application of EAA section 10 and EAR section 32 is reasonable.

Conclusion

The panel finds that the ministry's reconsideration which held that the Appellant was ineligible for continued hardship assistance because he did not provide all of the information requested by the ministry under section 10(1) and 10(4) of the EAA, so that his eligibility for hardship assistance could be determined; and, that he will be ineligible for hardship assistance until he complies with the ministry's direction as set out in section 32(1) of the EAR, is a reasonable application of the legislation in the circumstances of the appellant and confirms the reconsideration decision. The appellant is not successful in his appeal.