



### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (ministry)'s reconsideration decision dated June 30, 2016, finding the ministry properly applied the legislation in recouping from the Canada Pension Plan (CPP) payments made by the ministry to the appellant during a period when he was eligible to receive CPP in accordance with section 8 of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR).

### PART D – Relevant Legislation

The relevant legislation is section 8 of the EAPWDR.

## PART E – Summary of Facts

The appellant was approved to receive disability assistance on June 4, 2015. As part of the approval process the ministry sent the appellant a letter requesting that he obtain a Statement of Contributions from Service Canada as he may be eligible for CPP Disability payments (CPPD).

On June 30, 2015 the appellant provided the ministry with a copy of his My Service Canada Account listing all of his annual CPP contributions.

On July 6, 2015, the ministry sent a letter to the appellant informing him that he may be eligible for CPPD and requested that he complete a number of forms in this regard.

On August 5, 2015, the ministry received these forms from the appellant. The forms clearly stated that the appellant agreed to the ministry recovering the payments it made to the appellant from CPP for periods during which he was eligible for CPP. These forms also set out that the amounts that the ministry had paid the appellant since June 2015.

On October 7, 2015, the ministry received a letter from Service Canada advising that the appellant's application for CPPD was approved and requesting confirmation of the payments made by the ministry to the appellant for the period September 2014 to November 2015.

On October 8, 2015, the ministry completed and submitted its response.

On December 22, 2015, Service Canada paid a lump sum of \$12,684.88 to the ministry representing the amount the ministry had paid to the appellant during the period he was eligible for CPPD.

## PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision finding that the ministry properly applied the legislation in recouping from the CPP payments made by the ministry to the appellant during a period when he was eligible to receive CPPD in accordance with section 8 of the EAPWDR.

The relevant legislation is section 8 of the EAPWDR:

### **Requirement to apply for CPP benefits**

**8** If a family unit includes a recipient who may be eligible for a benefit under the *Canada Pension Plan (Canada)*, for the family unit to continue to be eligible for disability assistance, the recipient, when requested by the minister, must complete a Consent to Deduction and Payment under the *Canada Pension Plan (Canada)* directing that

(a) an amount up to the amount of disability assistance provided to or for the family unit from the date that the recipient becomes eligible for the Canada Pension Plan benefit be deducted from the amount of that benefit, and

(b) the amount deducted be paid to the minister.

This appeal was held by written hearing by consent of the parties in accordance with section 22(3)(b) of the *Employment and Assistance Act*.

### The Appellant's Position

In his appeal submission the appellant states that he wants to receive disability assistance rather than CPPD and alleges that the BC Government is "scamming" CPP through this process. He would prefer to receive disability benefits because he believes that the Province rather than CPP is responsible for and can address the issues he faces in dealing with his disability and getting back to work. He states that he is the victim of persecution, discrimination and a criminal conspiracy. He goes on to state that he has contacted the police department and the Police Commissioners Office, as well as his mayor and the Premier and a federal official but is being ignored and indeed bullied. No doctors will help him. The appellant states that this situation has so psychologically traumatized him that he cannot leave his house or work and that this is the fault of the Provincial Government for refusing to help him and are now forcing him to access CPPD for the rest of his life. In his opinion, as the Province caused this situation the ministry should not be reimbursed by CPP.

### The Ministry's Position

The ministry relied on its reconsideration decision in which it states that the legislation is clear and the CPP policies are in accord, that the ministry is entitled to reimbursement from CPP for disability benefits paid to a recipient while that recipient is eligible to receive CPPD. Furthermore, the letters and forms provided to the appellant were clear that this was being pursued and the appellant provided his permission for the ministry to do so.

### The Panel's Decision

The appellant provided the panel with a considerable amount of background information regarding his history and current situation. The panel read through and considered all of this information, but found that the majority of it was not relevant to the issue which was the subject of the reconsideration decision, that is, the reimbursing of the ministry by the CPP. The panel's authority is limited to

considering the reasonableness of the ministry's reconsideration decision given the facts and the legislation.

Section 8 of the EAPWDR states that in order for a recipient who may eligible for CPP to continue to be eligible for disability assistance, the recipient must complete a Consent to Deduction and Payment under the CPP directing that amounts paid to the recipient during the period in which the recipient was eligible for CPPD be deducted from that CPPD and paid to the minister.

This form was completed by the appellant and submitted to the ministry. The ministry submitted the form to the CPP and the CPP reimbursed the ministry as per the Appellant's direction.

The appellant does not argue that the ministry or the CPP have made a mistake or done anything contrary to the legislation. Rather, he asserts that because the Province is responsible for his health issues, the ministry, rather than the CPP should support him. As well, he states that it is disability assistance and the cooperation of the Province that can help him deal with his issues and get back to work, while CPPD simply perpetuates his situation.

The panel finds that the appellant's objections to the deductions made are not relevant to the issue of whether the ministry followed the legislative requirements. The appellant completed the Consent to Deduction and Payment (thereby remaining eligible for disability assistance) and so authorized the deductions from his CPP in accordance with section 8.

Accordingly, the Panel finds that the ministry's reconsideration decision finding that the ministry properly applied the legislation in recouping from the CPP payments made by the ministry to the appellant during a period when he was eligible to receive CPPD was a reasonable application of the relevant legislation and confirms the ministry's decision.