



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision dated July 21, 2016, which denied the appellant Income Assistance (IA) because she failed to provide information and documentation as directed by the ministry to determine her eligibility for IA pursuant to section 10 of the *Employment and Assistance Act* (“EAA”) and which found that she continues to be ineligible, pursuant to section 32 of the *Employment and Assistance Regulation* (“EAR”), until she complies with the direction.

PART D – Relevant Legislation

Employment and Assistance Act section 10
Employment and Assistance Regulation section 32

PART E – Summary of Facts

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

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

1. 4-page handwritten, but unsigned and undated letter explaining that the funds the appellant received from her landlord and the deposits into her account but that were for her friend as a part of his inheritance;
2. Tenant's application for dispute resolution, which was received by the residential tenancy branch on September 13, 2016;
3. 4-page statement of earnings from a retailer for the amounts of \$1050.58, \$1004.12, \$856.51 and \$872.96
4. Account activity details from April 5, 2016 to July 28, 2016;
5. 2-page handwritten, signed but undated letter explaining the appellant has an account for her child tax benefit to be deposited in and she allowed her daughter to use the same account for the deposits of her pay cheques from the retailer her daughter works for;
6. 1- page handwritten, signed but undated letter explaining the appellant now has a roommate who contributes \$375.00 for rent and her daughter pays \$258.00 for utilities;
7. Receipt for \$1100 from the appellant's landlord;
8. Single pay loan history with a loan date of October 11, 2013, a collection date of October 20, 2013 and a balance of \$0.00;
9. 2 cheques to the appellant from her landlord for \$1000.00 dated June 13, 2016 and \$560.00 dated June 27, 2016;
10. The appellant's IA cheque dated August 22, 2016 with a note stating that she received a \$60 electronic transfer from her father for her son and that since her daughter's bank account was closed the daughter's employer sent pay cheques to the appellant's account;
11. Rent receipt dated June 20, 2016 for \$600.00 but not addressed to anyone; and
12. Request for Reconsideration (RFR) which was signed and dated November 15, 2016.

Notice of appeal signed and dated November 28, 2016.

Evidence at the Hearing

The appellant stated that she has provided the ministry with all the information it requested and the following:

- The \$4190 deposit was her friend's inheritance;
- Her friend verified in-person that his inheritance was deposited into the appellant's account and that it was not her money;
- Since then her friend has been incarcerated and all attempts to contact his family have failed;
- She declared the \$300 she earned by allowing her friend access to her bank account for the money transfers;
- The bank will not give any information to confirm the origin of the money transfers because they were cash deposits; and
- She gave the ministry online access to her daughter's paystubs to verify her daughter's income and can provide the ministry with her daughter's paystubs whenever it wants.

PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's decision to deny the appellant IA because of a failure to provide the ministry with information and documentation requested and required to determine eligibility for IA pursuant to section 10 of the EAA and to find that she continues to be ineligible pursuant to section 32 of the EAR as she has not complied with the ministry's direction was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

The relevant legislation is as follows:

Information and verification

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.

Consequences of failing to provide information or verification when directed

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.

(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.

The Appellant's Position:

The appellant argues that she has supplied the information the ministry requested. She has provided the phone number and online access for the retail store her daughter works for to confirm that her daughter's wages and not her wages were deposited into her account. She also argues that her friend provided verbal confirmation that his inheritance was deposited into the appellant's account. She further argues that the inheritance that was deposited into her account is that of her friend and he is currently incarcerated and cannot provide further confirmation of the deposits. She argues that the deposit for \$4190 on May 11, 2016 came from her friend's inheritance and was not her money. Finally she argues that getting any more information will require more time.

The Ministry's Position:

The ministry's position is that, pursuant to section 10 of the EAA, the appellant did not comply with the request to provide all of the information and documentation so that her eligibility for IA could be assessed in the time frame she was given and that until such time that she provides the information requested of her, she will remain ineligible for IA pursuant to section 32 of the EAR.

The Panel's Decision:

Section 10 of the EAA states that in order to determine or audit eligibility for income assistance, hardship assistance or a supplement, the ministry may direct an applicant or a recipient to supply information within the time and in the manner specified by the minister, seek verification of any

information supplied to the minister by an applicant or a recipient, and or direct an applicant or a recipient to supply verification of any information he or she supplied to the minister.

In the case of the appellant the ministry requested information to verify the origin of a number of deposits that were made into the appellant's bank account. At the time of reconsideration the ministry still required varication or confirmation of the origin of the following: 1) deposit of \$4190 on May 11, 2016, 2) 2 deposits from a retail store on June 30 (for \$917.55) and July 15, 2016 (\$972.83 and \$273.83); and 3 deposits received for a friend which were a part of his inheritance (\$4000 on May 2, 2016, \$5200 on June 2, 2016 and \$6000 on June 8, 2016). At the hearing the appellant explained that she provided verbal verification of the deposits for her friend's inheritance, she cannot get any more information as her friend is incarcerated and she cannot locate his family, the bank will not give her any information other than a bank statement and she has given the ministry access to her daughter's employment information so that it could obtain verification of her daughter's income. However, the panel notes that although the appellant has provided explanations of the origins of the money transfers into her bank account, she did not provided documented evidence to support her explanations as requested. As such, the panel finds that the ministry reasonably determined that the appellant failed to supply information as directed pursuant to Section 10 of the EAA within the time specified by the ministry.

Under Section 32 of the EAR, the period for which the ministry may declare the family unit ineligible for assistance lasts until the recipient complies with the ministry's direction. The panel finds that at the time of the reconsideration decision and the hearing, the appellant did not provide to the ministry the information it requested. Therefore, the panel finds that the ministry reasonably determined that the appellant is not eligible for income assistance pursuant to Section 32 of the EAR until she complies with the direction to provide this information.

Conclusion:

The panel finds that the ministry reasonably concluded that the evidence establishes that the appellant did not fully comply with the request for information and documentation to determine her eligibility for IA as required by section 10 of the EAA. The panel therefore finds that the ministry's decision to find the appellant is ineligible for IA due to a failure to provide information requested by the ministry was a reasonable application of the legislation and supported by the evidence. The panel confirms the ministry's reconsideration decision. The appellant was not successful in her appeal.