

PART C – Decision under Appeal

Under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision dated November 7, 2016, which deemed the appellant was no longer eligible for Persons With a Disability (PWD) assistance because his spouse was in receipt of foreign social security payments which the ministry considered as unearned income and which had to be offset against his Income Assistance (IA) in accordance with section 9 and 24 of the Employment and Assistance for Persons with Disabilities Regulation.

PART D – Relevant Legislation

Employment and Assistance Act section 1
Employment and Assistance for Persons with Disabilities Regulation sections 1, 6, 9 and 24 (EAPWDR)
Schedule A – sections 1, 2, 4, and 5
Schedule B – sections 1, 6, 7 and 8

PART E – Summary of Facts

This hearing had been rescheduled at the appellant's request to permit him to find an advocate. The appellant did not attend the hearing. After confirming that the appellant was notified of the revised date and time of the hearing, the hearing proceeded in his absence as permitted under section 86(b) of the Employment and Assistance Regulation.

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

1. Request for Reconsideration, signed and dated October 24, 2016, which states that:
 - An applicant who is a sole applicant/recipient of Income Assistance for Persons with a Disability is entitled to receive a monthly allowance of \$983.42 consisting of \$556.42 for support, \$52.00 for Transportation and \$375.00 for shelter.
 - Two applicants/recipients with no dependent children where one applicant is a person with disabilities, the other is not a person with disabilities and is under 65 years of age are entitled to receive \$1347.56 consisting of \$725.56 for support, \$52.00 for transportation and \$570.00 for shelter.
2. A letter dated July 26, 2016 from Citizenship and Immigration Canada (CIC) denying the appellant's soon to be spouse a Temporary Resident Permit and informing her that she should notify CIC immediately if there is any change in her status including marriage.
3. A copy of a marriage certificate dated August 22, 2016 confirming that the appellant married his spouse on July 19, 2016 in, BC and that she was originally born outside of Canada.
4. The first page of a letter from a foreign social security administration regarding "Social Security benefits" payable to the appellant's spouse and addressed to their current address. These statements show that a portion is deducted for Health Plan Premiums and Medicare Prescription Drug Plan Cost.
5. Bank statements confirming deposits of CDN\$1820.00 in August and CDN\$1837.78 in September 2016 from foreign social security.
6. A letter from the appellant with a breakdown of expenses demonstrating that at the end of the month there is only \$10 remaining in the family which he states is insufficient to purchase needed "medical coverage for myself and/or wife. There are no monies for personal care, clothing or household [items], ... emergencies or higher medical expenses."

A Notice of Appeal, signed and dated November 16, 2016, which states in part that:

1. The appellant's spouse's application for permanent residency is stalled because they do not have the funds to continue with the various costs of the applications and this could force the break-up of the family unit if she is required to return to the to her home country.

At the hearing the ministry relied on its reconsideration decision and added:

Money received from foreign social security is not in the list of exemptions and cannot be ignored as unearned income. The same would also apply to any pension or income earned in Canada.



Admissibility of New Information

The panel found that the information presented by the ministry at the hearing was not new and was simply clarification of the decision and already referred to in it. Accordingly, the panel admit this information as being in support of information and records that were before the ministry at the time of the reconsideration.

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PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's decision to deny the appellant IA because his spouse receives social security payments from another country which exceed the amounts provided under legislation for a sole applicant/recipient with PWD status was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant. In particular, did the ministry reasonably determine that the spouse's social security payments should qualify as unearned income for the appellant and that the amount being received by the spouse exceeds the amount that the appellant is eligible for disability assistance pursuant to sections 9 and 24 of the EAPWDR.

The relevant legislation is as follows:

Employment and Assistance Act

Interpretation

1 (1) In this Act:

... "**dependant**", in relation to a person, means anyone who resides with the person and who

- (a) is the spouse of the person,
- (b) is a dependent child of the person, or
- (c) indicates a parental role for the person's dependent child; ...

Meaning of "spouse"

1.1 (1) Two persons, including persons of the same gender, are spouses of each other for the purposes of this Act if

- (a) they are married to each other, or
- (b) they acknowledge to the minister that they are residing together in a marriage-like relationship.

Employment and Assistance for Persons With Disabilities Regulation

Section 1

... "**unearned income**" means any income that is not earned income, and includes, without limitation, money or value received from any of the following:

- (j) workers' compensation benefits and disability payments or pensions;



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Section 6

Citizenship requirements

6 (1) For a family unit to be eligible for disability assistance at least one applicant or recipient in the family unit must be

(a) a Canadian citizen,

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(2) If a family unit satisfies the requirement under subsection (1), disability assistance and supplements may be provided to or for the family unit on account of each person in the family unit who is

(a) a Canadian citizen,

(b) authorized under an enactment of Canada to take up permanent residence in Canada,

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(3) If a family unit includes a person who is not described in subsection (2),

(a) the person's income and assets must be included in the income and assets of the family unit for the purposes of determining whether the family unit is eligible for assistance, except as otherwise provided in this regulation, and

(b) the family unit is not eligible for any disability assistance under Schedule A, hardship assistance under Schedule D or supplements under Part 5 of this regulation on account of or for the use or benefit of that person.

Section 24

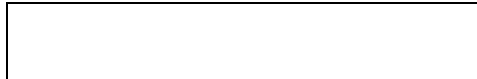
Amount of disability assistance

24 Subject to section 24.1 (3), disability assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than

(a) the amount determined under Schedule A, minus

(b) the family unit's net income determined under Schedule B.

Section 9(2)



Limits on income

- 9 (1) For the purposes of the Act and this regulation, "**income**", in relation to a family unit, includes an amount garnished, attached, seized, deducted or set off from the income of an applicant, a recipient or a dependant.
- (2) A family unit is not eligible for disability assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of disability assistance determined under Schedule A for a family unit matching that family unit.

Schedule A

Schedule A

[am. B.C. Regs. 286/2003, s. 2 (b); 521/2004, s. 3; 164/2005; 306/2005, s. 6; 58/2007, s. 1; 70/2007, s. 2; 88/2008, App. 2, s. 2; 316/2008, s. (b); 62/2010 s. (b); 73/2010 s. 11; 197/2012, Sch. 2, ss. 9 and 10; 175/2016, App. 1, ss. 13 to 16.]

Disability Assistance Rates

(section 24 (a))

Maximum amount of disability assistance before deduction of net income

- 1 (1) Subject to this section and sections 3 and 6 to 9 of this Schedule, the amount of disability assistance referred to in section 24 (a) [*amount of disability assistance*] of this regulation is the sum of
 - (a) the monthly support allowance under section 2 of this Schedule for a family unit matching the family unit of the applicant or recipient, plus
 - (b) the shelter allowance calculated under sections 4 and 5 of this Schedule.

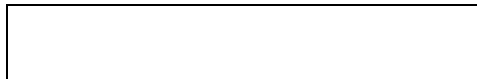
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Monthly support allowance

- 2 (0.1) For the purposes of this section:

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- (1) A monthly support allowance for the purpose of section 1 (a) is the sum of



(a) the amount set out in Column 3 of the following table for a family unit described in Column 1 of an applicant or a recipient described in Column 2, plus

(a.1) subject to section 24.1 [*disability assistance in the form of transportation support allowance*], the amount set out in Column 4 of the following table for the family unit, plus

(b) the amount calculated in accordance with subsections (2) to (4) for each dependent child in the family unit.

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount of base support	Column 4 Amount of transportation support
1	Sole applicant/recipient and no dependent children	Applicant/recipient is a person with disabilities	\$556.42	\$52.00
2				
3				
4	Two applicants/recipients and no dependent children	Both applicants/recipients are persons with disabilities	\$999.06	\$104.00

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Monthly shelter allowance

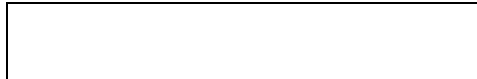
4 (1) For the purposes of this section:

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(2) The monthly shelter allowance for a family unit to which section 14.2 of the Act does not apply is the smaller of

(a) the family unit's actual shelter costs, and

(b) the maximum set out in the following table for the applicable family size:



Item	Column 1 Family Unit Size	Column 2 Maximum Monthly Shelter
1	1 person	\$375
2	2 persons	\$570

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Schedule B

Schedule B

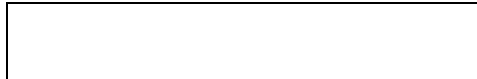
[am. B.C. Regs. 369/2002; 58/2003, s. 1; 115/2003, Sch. 2, s. 2; 117/2003; 209/2003, Sch. 2, s. 2; 462/2003, Sch. B, s. 3; 276/2004; 430/2004, s. 2 (b); 22/2005, Sch. s. 2 (b); 90/2005, s. 2; 91/2005, s. 2; 292/2005, s. 2 (a); 43/2006, s. 2; 192/2006, s. 9; 250/2006, s. 2 (b); 195/2007, s. 5; 363/2007, s. (b); 48/2008, s. 2 (b); 87/2008, s. 2 (b); 94/2008, s. 2 (b); 4/2010, s. 3; 48/2010, Sch. 1, s. 2 (c) and (d); 180/2010, s. 2; 242/2010, s. 5; 32/2012, Sch. 4, s. 1; 83/2012, s. 2; 85/2012, Sch. 2, s. 7; 86/2012; 197/2012, Sch. 2, ss. 11 to 15; 332/2012, s. 2; 123/2013; 31/2014, Sch. 2, s. 2; 172/2014, Sch. 2, s. 2; 226/2014, ss. 2 to 4; 41/2015, Sch. 2, s. 3; 73/2015, App. 4, s. 1; 145/2015, Sch. 2, ss. 14 and 15; 148/2015, App. 2, s. 1; 204/2015, App. 2, ss. 3 to 5; 81/2016, App. B, s. 1; 233/2016, App. 2; 283/2016, Sch. 2, s. 3.]

Net Income Calculation

(section 24 (b))

Deduction and exemption rules

- 1 When calculating the net income of a family unit for the purposes of section 24 (b) [*amount of disability assistance*] of this regulation,
 - (a) the following are exempt from income:
 - (i) any income earned by a dependent child attending school on a full-time basis;
 - (ii) the basic family care rate paid in respect of a child in care;
 - (iii) Repealed. [B.C. Reg. 48/2010, Sch. 1, s. 2 (c).]
 - (iv) a family bonus, except the portion treated as unearned income under section 10 (1) of this Schedule;
 - (v) the basic child tax benefit;



- (vi) a goods and services tax credit under the *Income Tax Act* (Canada);
- (vii) a tax credit under section 8 [*refundable sales tax credit*], 8.1 [*low income climate action tax credit*] or 8.2 [*BC harmonized sales tax credit*] of the *Income Tax Act* (British Columbia);
- (viii) individual redress payments granted by the government of Canada to a person of Japanese ancestry;
- (ix) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to a person infected by the human immunodeficiency virus;
- (x) individual payments granted by the government of British Columbia to a person infected by the human immunodeficiency virus or to the surviving spouse or dependent children of that person;
- (xi) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to thalidomide victims;
- (xii) money that is
 - (A) paid or payable to a person if the money is awarded to the person by an adjudicative panel in respect of claims of abuse at Jericho Hill School for the Deaf and drawn from a lump sum settlement paid by the government of British Columbia, or
 - (B) paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. C980463, Vancouver Registry;
- (xiii) the BC earned income benefit;
- (xiv) money paid or payable under the 1986-1990 Hepatitis C Settlement Agreement made June 15, 1999, except money paid or payable under section 4.02 or 6.01 of Schedule A or of Schedule B of that agreement;
- (xv) a rent subsidy provided by the provincial government, or

by a council, board, society or governmental agency that administers rent subsidies from the provincial government;

(xvi) Repealed. [B.C. Reg. 197/2012, Sch. 2, s. 11 (a).]

(xvii) money paid or payable to a person in settlement of a claim of abuse at an Indian residential school, except money paid or payable as income replacement in the settlement;

(xviii) post adoption assistance payments provided under section 28 (1) or 30.1 of the Adoption Regulation, B.C. Reg. 291/96;

(xix) a rebate of energy or fuel tax provided by the government of Canada, the government of British Columbia, or an agency of either government;

(xx) money paid by the government of British Columbia, under a written agreement, to a person with disabilities or to a trustee for the benefit of a person with disabilities to enable the person with disabilities to live in the community instead of in an institution;

(xxi) Repealed. [B.C. Reg. 85/2012, Sch. 2, s. 7.]

(xxii) payments granted by the government of British Columbia under section 8 [*agreement with child's kin and others*] of the *Child, Family and Community Service Act*;

(xxiii) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program;

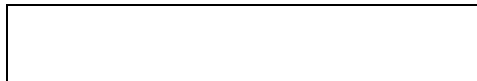
(xxiv) Repealed. [B.C. Reg. 85/2012, Sch. 2, s. 7.]

(xxv) payments granted by the government of British Columbia under an agreement referred to in section 93 (1) (g) (ii) of the *Child, Family and Community Service Act*, for contributions to the support of a child;

(xxvi) a loan that is

(A) not greater than the amount contemplated by the recipient's business plan, accepted by the minister under section 70.1 of this regulation, and

(B) received and used for the purposes set out in the



business plan;

(xxvii) payments granted by the government of British Columbia under the Ministry of Children and Family Development's

(A) Autism Funding: Under Age 6 Program, or

(B) Autism Funding: Ages 6 – 18 Program;

(xxviii) Repealed. [B.C. Reg. 148/2015, App. 2, s. 1 (a).]

(xxix) payments made by a health authority or a contractor of a health authority to a recipient, who is a "person with a mental disorder" as defined in section 1 of the *Mental Health Act*, for the purpose of supporting the recipient in participating in a volunteer program or in a mental health or addictions rehabilitation program;

(xxx) a refund provided under Plan I as established under the Drug Plans Regulation;

(xxxi) payments provided by Community Living BC to assist with travel expenses for a recipient in the family unit to attend a self-help skills program, or a supported work placement program, approved by Community Living BC;

(xxxii) a Universal Child Care Benefit provided under the *Universal Child Care Benefit Act (Canada)*;

(xxxiii) money paid by the government of Canada, under a settlement agreement, to persons who contracted Hepatitis C by receiving blood or blood products in Canada prior to 1986 or after July 1, 1990, except money paid under that agreement as income replacement;

(xxxiv) money withdrawn from a registered disability savings plan;

(xxxv) a working income tax benefit provided under the *Income Tax Act (Canada)*;

(xxxvi) Repealed. [B.C. Reg. 180/2010, s. 2 (b).]

(xxxvii) the climate action dividend under section 13.02 of the *Income Tax Act*;

(xxxviii) money paid or payable to a person under the

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Criminal Injury Compensation Act as compensation for non-pecuniary loss or damage for pain, suffering mental or emotional trauma, humiliation or inconvenience that occurred when the person was under 19 years of age;

(xxxix) money that is paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. S024338, Vancouver Registry;

(xl) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Family Support Services program;

(xli) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Supported Child Development program;

(xlii) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Aboriginal Supported Child Development program;

(xliii) money paid or payable from a fund that is established by the government of British Columbia, the government of Canada and the City of Vancouver in relation to recommendation 3.2 of the final report of the Missing Women Commission of Inquiry;

(xliv) payments granted by the government of British Columbia under the Temporary Education Support for Parents program;

(xlv) a BC early childhood tax benefit;

(xlvi) child support;

(xlvii) orphan's benefits under the [*Canada Pension Plan Act*](#) (Canada);

(xlviii) money or other value received, by will or as the result of intestacy, from the estate of a deceased person;

(xlix) gifts;

(l) education and training allowances, grants, bursaries or



scholarships, other than student financial assistance;

(li) money withdrawn from a registered education savings plan;

(lii) compensation paid or payable under section 17 [*compensation in fatal cases*] or 18 [*addition to payments*] of the *Workers Compensation Act* to a dependant, as defined in section 1 of that Act, who is a child, as defined in section 17 of that Act;

(liii) money that is paid or payable by or for Community Living BC to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by Community Living BC, an employee of Community Living BC or a person retained under a contract to perform services for Community Living BC;

(liv) money that is paid or payable by the government of British Columbia to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by the minister, the ministry, an employee of the ministry or a person retained under a contract to perform services for the ministry,

(b) any amount garnished, attached, seized, deducted or set off from income is considered to be income, except the deductions permitted under sections 2 and 6,

(c) all earned income must be included, except the deductions permitted under section 2 and any earned income exempted under sections 3 and 4, and

(d) all unearned income must be included, except the deductions permitted under section 6 and any income exempted under sections 3, 7 and 8.

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Deductions from unearned income

6 The only deductions permitted from unearned income are the following:

- (a) any income tax deducted at source from employment insurance benefits;
- (b) essential operating costs of renting self-contained suites.

Exemptions – unearned income

7 (0.1) In this section:

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(1) The following unearned income is exempt:

- (a) the portion of interest from a mortgage on, or agreement for sale of, the family unit's previous place of residence if the interest is required for the amount owing on the purchase or rental of the family unit's current place of residence;
- (b) \$50 of each monthly Federal Department of Veterans Affairs benefits paid to any person in the family unit;
- (c) a criminal injury compensation award or other award, except the amount that would cause the family unit's assets to exceed, at the time the award is received, the limit applicable under section 10 *[asset limits]* of this regulation;
- (d) a payment made from a trust to or on behalf of a person referred to in section 12 (1) *[assets held in trust for person with disabilities]* of this regulation if the payment is applied exclusively to or used exclusively for
 - (i) disability-related costs,
 - (ii) the acquisition of a family unit's place of residence,
 - (iii) a registered education savings plan, or
 - (iv) a registered disability savings plan;
- (d.1) subject to subsection (2), a structured settlement annuity payment made to a person referred to in section 12 (1) of this

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regulation if the payment is applied exclusively to or used exclusively for an item referred to in subparagraph (i), (ii), (iii) or (iv) of paragraph (d) of this subsection;

(d.2) money expended by a person referred to in section 12.1 (2) [*temporary exemption of assets for person with disabilities or person receiving special care*] of this regulation from an intended registered disability savings plan or trust if the money is applied exclusively to or used exclusively for disability-related costs;

(d.3) any of the following if applied exclusively to or used exclusively for disability-related costs to promote independence:

(i) a payment made from a trust to or on behalf of a person referred to in section 12 (1) of this regulation;

(ii) a structured settlement annuity payment that, subject to subsection (2), is made to a person referred to in section 12 (1) of this regulation;

(iii) money expended by a person referred to in section 12.1 (2) of this regulation from an intended registered disability savings plan or trust;

(e) the portion of Canada Pension Plan Benefits that is calculated by the formula $(A-B) \times C$, where

A = the gross monthly amount of Canada Pension Plan Benefits received by an applicant or recipient;

B = (i) in respect of a family unit comprised of a sole applicant or a sole recipient with no dependent children, 1/12 of the amount determined under section 118 (1) (c) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act, or

(ii) in respect of any other family unit, the amount under subparagraph (i), plus 1/12 of the amount resulting from the calculation under section 118 (1) (a) (ii) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act;

C = the sum of the percentages of taxable amounts set out under section 117 (2) (a) of the *Income Tax Act* (Canada) and section 4.1 (1) (a) of the *Income Tax Act*;

(f) a tax refund;

(g) a benefit paid under section 22, 23 or 23.2 of the *Employment Insurance Act* (Canada) to any person in the family unit.

The Appellant's Position:

The appellant argues that the amounts his spouse receives from social security agencies outside the country are disability benefits, not pension, not insurance and not survivor benefits. She has been receiving these payments since 2000 when her medical condition precluded her from working anymore. He adds that she does not have medical coverage in Canada and that he is not included in any coverage that she has. This lack of medical coverage and a failure to adhere to dietary restrictions and health supplement requirements could jeopardize her health. He adds that he is in the middle of his own health crisis.

Also, her payments vary monthly depending on the exchange rate. A breakdown of the family unit's budget demonstrates that there is no extra money to purchase the needed health care.

The way that the appellant interprets the legislation he states that two people in the family who are disabled can earn up to \$1600 a month without affecting disability income. So, with an allowance of \$1600 a month and the ability to earn another \$1600 for a total of \$3200 a month, even if his wife's income is deducted he should still be eligible to receive \$1400 a month in assistance.

The Ministry's Position:

The ministry states that the appellant's spouse receives social security payments from another country which the legislation requires is deemed unearned income and must be deducted from the appellants IA. That even though they are married, the appellant's spouse does not have status in Canada and is therefore not on file.

The ministry agrees that the appellant and his spouse are a "family unit" for the purposes of IA. The ministry also deems the appellant's spouse to not meet the immigration requirements set out in section 6(2) of the EAPWDR as a result the appellant is not eligible to receive disability assistance or supplements for her use or benefit. Also, that her income must be included in the net calculation of the family unit because it is required by section 3(a) and 3(b) of the EAPWDR.

The ministry states under section 1 of the *EAPWDR* unearned income includes without limitation money or value received for assistance including disability payments or pensions. The approximately \$1800 a month that the appellant's spouse receives is considered disability pension income and exceeds the \$983.42 that the appellant is eligible to receive as income assistance for a sole recipient with PWD designation under Schedule A.

Even if his spouse was deemed to be a person with PWD under this legislation, her monthly social security income would exceed the amount for a couple who both have PWD designation under Schedule A which would total \$1673.06.

The ministry's position is that the money received by the appellant's spouse is properly being offset against what the appellant is eligible to receive and exceeds that amount. Therefore; he is not entitled to any payment.

The Panel Decision:

The Panel notes the appellant currently receives \$1023.42 in assistance as a sole applicant under PWD and that both the appellant and ministry agree that the appellant's spouse is receiving Social Security payments from another country which vary depending on the exchange rate and amount to approximately \$1800 a month.

The parties differ on whether this amount should be considered unearned income under the legislation and therefore be used to offset amounts that the appellant is eligible for as a person with disabilities.

The panel notes that the *EAPWDR* defines unearned income as "any income that is not earned income, and includes without limitation, money or value received from any of the following ..." and includes in that list "... disability payments or pensions". The panel finds that the definition of income is broad and not limited to the list produced in the legislation. The social security payments received by the appellant's spouse are not earned and would reasonably fall within this definition of unearned income.

The panel has considered all of the exemptions listed under Schedule B including sections 1, 6, 7 and 8 but for brevity have only included those sections that are relevant to the appellant's circumstances in this decision. None of the exemptions speak specifically to any type of payment received through foreign social assistance or disability payments. Therefore; the amounts received from foreign social assistance are determined by the panel to be unearned income for the purposes of the *EAPWDR* and are not specifically exempt under any of the *EAPWDR* sections.

The panel notes that the appellant's spouse's application for permanent residency is stalled and that she does not meet the criteria under section 6(2) to receive assistance under the Canadian *EAPWDR* even though she currently resides with the appellant in Canada. However, as a legal spouse, she is considered part of the family unit by this legislation. Additionally, section 6(3) of the *EAPWDR* requires her income and assets must be included in the income and assets of the family unit for the purposes of determining whether the family unit is eligible for assistance, except as otherwise provided in this regulation. This is the case because she is considered part of the family unit by virtue of where she resides and the fact that they are married even though she has not yet acquired residency.

The appellant referred to provisions which provide for exemptions of earned income which do not apply in this case and so the ministry properly determined that the approximately \$1800 a month which the appellant's spouse receives under Schedule B should be offset against the \$1023.42 which he is receiving under Schedule A as required by section 24 of the *EAPWDR*. Even if the \$1800 a month received by the appellant's spouse were deemed disability assistance as the appellant argues they should be, as unearned income they would still be deducted and would exceed the entitlement for a sole applicant.

The panel notes that this situation could change in future depending on the exchange rate, acquisition of permanent residency by the appellant's spouse and other factors. However; currently given the information available to the ministry at the time of the decision, the ministry has applied the provisions of the legislation reasonably in the circumstances of the appellant. The appellant's request for assistance with medical coverage were not addressed by the ministry in the reconsideration decision and are not addressed in this decision.

Conclusion

The panel finds that the ministry's reconsideration decision dated November 7, 2016 which deemed the appellant's spouse was in receipt of unearned income which had to be offset against the PWD assistance the appellant was eligible for thus leaving him with no net PWD assistance or supplements was a reasonable application of the legislation in the circumstances of the appellant. Specifically, the panel relied on sections 9 and 24 of the EAPWDR in coming to this conclusion.

The panel therefore confirms the ministry decision of November 7, 2016. The appellant is unsuccessful in his appeal.