

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision dated August 17, 2017. The ministry determined that the appellant was not eligible for disability assistance as he had failed to provide information to the minister pursuant to section 10 of the EAPWDA.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA), section 10
Employment and Assistance for Persons with Disabilities Act regulation (EAPWDR), section 28

PART E – Summary of Facts

On May 5, 2017, pursuant to a review of the appellant's file, a request was sent by the minister to the appellant, via mail, requesting the following documents:

- rent receipts and utility bills for a specified period;
- records of all income the appellant received from all employers and all sources for a specified period;
- statements for all bank accounts sole or joint for a specified period;
- bank profiles from specified banks and any other bank the appellant had used;
- statements for all investments, RRSPs, pension funds and any other assets;
- income tax notice of assessment for specified years;
- vehicle license and insurance for a specified vehicle;
- purchase documents for a specified vehicle;
- purchase documents for a camper;
- one year cheque cashing statement for any cheque cashing locations used;
- verification of inheritance received in the last two years.

As at May 19, 2017 the appellant had not submitted the requested documents. A second request for information letter was mailed to the appellant requesting the same specified documents and advising the documents were due by June 1, 2017.

On May 26, 2017 the appellant spoke with the investigative officer. The appellant said he had not picked up his mail. The appellant was given an additional week to submit the requested documents. The appellant was advised that if he did not submit the requested documents he would be denied assistance. The appellant stated that he had done some work and had not declared the income as it was below the exemption amount. He was advised to submit verification of the income he had received and he was reminded of the obligation to report all income regardless of the amount.

On June 23, 2017 the appellant's file was reviewed and it was determined that he had not submitted any information. A denial letter was issued to the appellant pursuant to section 10 of the EAPWDA.

On June 26, 2017 the appellant submitted insurance papers for a specified vehicle, purchase documents for another vehicle, a handwritten statement, and a handwritten note regarding rental payments. The appellant spoke to the investigative officer who advised the appellant that he must submit the requested documents. The appellant advised that he needed his July assistance cheque in order to obtain identification which would enable him to obtain the other requested documents such as banking information.

The appellant's July cheque was released and the appellant was reminded to obtain his identification and get the balance of the requested documents and submit them as soon as possible as his file was set to close July 25, 2017. The appellant stated that he understood.

On July 26, 2017 the appellant was advised by the ministry that he was no longer eligible for assistance as he had not submitted the requested documents.

PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry correctly determined that the appellant was not eligible for disability assistance as the appellant had failed to provide information sought by the minister pursuant to section 10 of the EAPWDA.

The relevant section of the EAPWDA is as follows:

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.

The relevant section of the EAPWDR is as follows:

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.

In its reconsideration decision the minister noted 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. If a recipient fails to comply with the direction under the section the minister may declare the family unit ineligible for assistance. As per section 28 of the EAPWDR the family unit remains ineligible until the requested information is provided.

The reconsideration officer reviewed the documents submitted by the appellant. The appellant had submitted a handwritten letter stating a landlord had rented a residence to the appellant from April 2016. It was noted that the printing on the handwritten letter appeared to be that of the appellant based upon the printing on his request for reconsideration. No contact information for the landlord was included in the letter to verify its authenticity and the document was received March 24, 2017. The letter stated that the appellant was moving to this same address on April 2017, one year after the date on the note provided at reconsideration. The appellant also submitted a letter written by the appellant stating that he could not provide paperwork from ICBC for the described vehicle because he did not have identification, that he had received an inheritance of \$2300 two months previous, that he worked a cash job for an individual and received a cash payment for that job, and that he used two cash marts in an identified municipality. He submitted purchase documents for an identified vehicle and an identified trailer.

The appellant spoke to the ministry's investigative officer and said he had not collected his mail so he did not receive the ministry's letters. The appellant was issued his July assistance cheque and was told to obtain his identification so that he could provide the requested documents.

In the reconsideration decision the ministry noted that the note from the landlord stated that he had moved into a residence one year prior to the intent to rent from the ministry had on file for that residence. The note appeared to be written by the appellant and did not provide any contact information to verify its authenticity.

The ministry noted that the information provided was not sufficient for the ministry to determine the appellant's past and present eligibility for assistance.

DISCUSSION AND DECISION

Under section 10 of the EAPWDA 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 a recipient fails to comply with the direction under the section the minister may declare the family unit ineligible for assistance. As per section 28 of the EAPWDR the family unit remains ineligible until the requested information is provided.

Notice of the hearing was sent to the appellant by letter dated September 1, 2017 from the Employment and Assistance Appeal Tribunal. Delivery on September 5, 2017 was confirmed by Canada Post. As at the appointed commencement time of 9:30 AM the appellant had not appeared. Commencement of the hearing of the appeal was delayed until 9:50 AM to give the appellant time to attend. The appellant did not attend the hearing.

A ministry representative attended the hearing. After reviewing the facts referred to in the reconsideration decision, the ministry argued that the reconsideration decision was reasonable and relied upon of the reasons set out in the decision.

In his notice of appeal dated August 24, 2017, the appellant stated:

"I consider that the ministry didn't do his investigation properly. For example they said that a letter from the landlord didn't include his contact information but the ministry knows my landlord info: why they didn't contact him?"

In his request for reconsideration dated August 4, 2017 the appellant wrote:

“I can’t satisfy all these request having no transportation money help. I estimate I submit enough documents so far.”

Although the appellant, over time, submitted certain documentation to the ministry, the appellant did not submit all of the requested documents and did not explain the absence of those documents, especially in light of the time provided for him to do so and the release of cheques requested by him to allow him the opportunity to obtain identification to in turn obtain documentation which was or should have been available to him.

The appellant’s obligations in respect to providing requested information were described to him and he indicated that he understood.

The limited information provided to the ministry by the appellant raised questions as to the authenticity of those documents.

The panel concludes that the minister’s declaration that the family unit was ineligible for assistance for failure to provide requested documentation under section 10 of the EAPWDA was reasonably supported by the evidence and a reasonable application of the applicable enactment in the circumstances of the appellant.

Accordingly, the panel confirmed the reconsideration decision.