

APPEAL NUMBER

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "ministry") Reconsideration Decision of April 10, 2019 in which the ministry determined that the appellant was not eligible for income assistance because she did not provide 2015 financial information as requested by the ministry, pursuant to section 10 of the Employment and Assistance Act and section 32 of the Employment and Assistance Regulation.

PART D – RELEVANT LEGISLATION

EAA *Employment and Act, Section 10*
EAR *Employment and Assistance Regulation, Section 32*

PART E – SUMMARY OF FACTS

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

- 1) January 3, 2019 - The ministry mailed a letter to the appellant indicating that more financial information was required after the appellant had provided financial information related to her December income assistance. Specifically, the ministry required financial information pertaining to the year 2015. The appellant was required to provide this information by January 25, 2019.
- 2) January 29, 2019- The ministry reviewed the appellant's file and determined that because she had not provided the requested information, a second letter requesting the financial information would be sent out with a due date of February 20, 2019.
- 3) February 20, 2019 – The appellant attended the ministry office to pick up her cheque. She was handed a paper copy of the request for information letter. The ministry noted that the appellant was aware of the documents she was required to submit.
- 4) February 22, 2019 – the ministry called the appellant to advise that the documents had not been received. The appellant was provided an additional week to obtain and submit the documents. The appellant was advised that if she did not submit the documents by March 1, 2019 then she would no longer be eligible for income assistance.
- 5) March 5, 2019 – the appellant's file was reviewed. As the documents had not been submitted, a section 10 denial letter was sent to the appellant's address, advising that she was no longer eligible for income assistance.
- 6) March 25, 2019 – the appellant requested a reconsideration of the decision.

Additional Information

The Appellant did not attend the hearing. After waiting for ten minutes, and ensuring the appellant had received a Notice of Hearing on May 13, 2019, the panel proceeded with the hearing in the absence of the Appellant, pursuant to Section 87 of the *Employment and Assistance Regulation*.

The ministry relied on the reconsideration decision.

PART F – REASONS FOR PANEL DECISION

The issue under appeal is the reasonableness of the Ministry of Social Development and Poverty Reduction's (the "ministry") Reconsideration Decision of April 10, 2019 in which the ministry determined that the appellant was not eligible for income assistance because she did not provide 2015 financial information as requested by the ministry, pursuant to section 10 of the Employment and Assistance Act and section 32 of the Employment and Assistance Regulation.

The relevant section of the legislation is as follows:

Employment and Assistance Act, Section 10

Information and verification

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.

Employment and Assistance Regulation, Section 32

Consequences of failing to provide information or verification when directed

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.

Panel Decision

The ministry's position, as set out in the Reconsideration Decision, is that the appellant is not eligible for income assistance because the appellant did not provide her 2015 financial information as requested by the ministry. Specifically, the ministry requested information related to 2015; employment income, Record of Employment(s), Income Tax Notice of Assessment, and T4 and T5's by March 1, 2019.

The ministry contends that under section 10 of the Employment and Assistance Act, the minister can request financial information for the purpose of (b) determining or auditing eligibility for income assistance, hardship assistance or a supplement.

The Appellant's position, as noted in the Notice of Appeal, is that she is living out of town, and has been relying on her landlord for transportation. Given her landlord is going through medical issues, she could not get a ride into town.

As outlined, Section 10 (1) of the Employment and Assistance Act, the minister may request information and verification 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. Further, as outlined in Section 32 of the Employment and Assistance Regulation, Employment and Assistance Regulation, Section 32 the consequence of failing to provide information or verification when directed 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 panel finds that the evidence establishes that the appellant did not dispute that she did not provide the requested 2015 financial information to the ministry by the date the information was required – March 1, 2019. The panel finds that the appellant did not provide any other information related to her attempt to provide the information by the date set by the ministry, other than her reason for not doing so on her Notice of Appeal - where she outlined that she did not have a ride into town.

Accordingly, the panel finds that the decision of the ministry to declare the appellant ineligible for income assistance based on the appellant not providing the requested 2015 financial information by March 1, 2019 is reasonably supported by the evidence in this case. Therefore, the panel confirms the ministry's decision pursuant to section 24(1)(a) and section 24(2)(a) of the *Employment and Assistance Act*. The appellant therefore is not successful in her appeal.

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PARTG-ORDER

THE PANEL DECISION IS: (Check one) UNANIMOUS BY MAJORITY

THE PANEL CONFIRMS THE MINISTRY DECISION RESCINDS THE MINISTRY DECISION

If the ministry decision is rescinded, is the panel decision referred back to the Minister
for a decision as to amount? Yes No

LEGISLATIVE AUTHORITY FOR THE DECISION:

Employment and Assistance Act

Section 24(1)(a) or Section 24(1)(b)

and

Section 24(2)(a) or Section 24(2)(b)

PARTH-SIGNATURES

PRINTNAME

Jennifer Armstrong

SIGNATUREOFCHAIR

DATE(YEAR/MONTH/DAY)

2019/05/22

PRINTNAME

Jeremy Sibley

SIGNATUREOFMEMBER

DATE(YEAR/MONTH/DAY)

2019/05/22

PRINTNAME

Linda Pierre

SIGNATUREOFMEMBER

DATE(YEAR/MONTH/DAY)

2019/05/22