

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 made under section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) and dated November 7, 2019, that denied the Appellant's request for a crisis supplement for food for October, 2019.

While the Appellant satisfied the minister that the Appellant faced an unexpected expense, had no resources with which to meet that expense, and that failure to meet that expense would result in imminent danger to the Appellant's physical health, the ministry was not satisfied that the Appellant was entitled to the crisis supplement because it found the Appellant not currently eligible for disability assistance or hardship assistance and as such the Appellant did not meet the eligibility criteria. The ministry cited section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation*.

PART D – RELEVANT LEGISLATION

Employment and Assistance for Persons with Disabilities Act (EAA), section 5 & 10
Employment and Assistance for Persons with Disabilities Regulation (EAR), sections 15, 28, 57(1) and 59(1)

PART E – SUMMARY OF FACTS**Nature of the Appellant's Application**

The Appellant applied for a crisis supplement for food for a specific month, which was denied. The Appellant requested reconsideration of the denial.

In this appeal, the Appellant indicated the preference to be referred to by the pronoun "they", and therefore the Appellant will be referred to as "the Appellant" or as "they" or "their".

A. Evidence at the Time of Reconsideration

The consent information before the Ministry at the time of Reconsideration decision included:

(1) The Appellant's Request for Crisis Supplement - Food Dated October 23, 2019

In the Request, the Appellant stated

- that they had no money deposited for October, asked why the ministry was so cruel, asked where the Appellant's benefits were, and that the Appellant needs food
- that they were requesting the supplement for the Appellant
- that in answer to the question as to whether or not they had tried to meet the need on their own, that *"food banks are closed on cheque payment week"*
- that their answer to the query as to what available resources they had, they answered *"this is false, no money was deposited in October for my benefits, I have proof from my bank"*. The Panel notes that no banking document was provided by the Appellant to show whether or not there were or were not any funds deposited in it for October
- in answer to the question as to what was the direct threat to the Appellant's health and safety that they said *"[specific disease] positive and my medication requires food, otherwise medication does not work and danger to health arises from [the infectious agent] in the blood"*

(2) The Decision to be Reconsidered

The Decision to be Reconsidered was contained within the Reconsideration decision and was not a separate document; it stated that

- On October 23, 2019 the Appellant submitted a request for a crisis supplement via the online portal, reporting that the Appellant had no money deposited in October and no money for food. The food banks were closed on cheque payment week, and the Appellant suffered from a specific life threatening disease. The Appellant's medications require food in order to work, and that the danger to the Appellant's health arises from the infectious agent in the Appellant's blood
- On October 23, 2019 the ministry advised the Appellant via the online portal that the Appellant did not receive a deposit for November assistance because the Appellant was currently not set up for direct deposit payments. The case notes indicated that the Appellant would not be issued further benefits until the Appellant presented in person at an income assistance office
- On October 25, 2019 the ministry advised the Appellant via the online portal that the Appellant's request for a crisis supplement was denied because the Appellant was not eligible as the Appellant did not meet 3 of the 4 criteria. Specifically the Appellant
 - did not meet criterion 1 (which the ministry stated to be that the Appellant must have received October assistance)
 - did not meet criterion 2 (which the ministry stated to be that of requiring the supplement to meet an unexpected expense or to obtain an item unexpectedly needed, and that as the Appellant received November assistance, the Appellant had resources)
 - did not meet criterion 4 (which the ministry stated was not met because the appellant did not state that the Appellant was in immediate danger), but that the Appellant
 - did meet criterion 3 (which the ministry stated was met because the Appellant stated that the Appellant had accessed community resources)

- On October 28, 2019 the ministry noted that the Appellant had submitted a request for reconsideration and was quite confused on how criteria 1 was not met and reported that the ministry worker had provided false information regarding criteria 2, 3 and 4, noting that in respect of
 - criterion 2 the Appellant said [REDACTED] did not receive November assistance, and the lack of receipt was unexpected
 - criterion 3, the Appellant says that they did not state to the ministry that they had accessed community resources but in fact had said there were no resources available on cheque issue week
 - criterion 4, the Appellant says that the Appellant did state that there was immediate danger because the medication for a serious medical condition does not work if there is no food taken with it, leaving the Appellant at risk of developing infection and facing death
- The Appellant was a sole recipient of disability assistance and received PWD designation in February 2019, and normally received \$1,275.42 provided by Electronic Funds Transfer. They did not receive disability assistance for October or November 2019, the reason being (as the case notes indicated) the Appellant was out of province and no further benefits were to be provided until the Appellant came in person to a ministry office and a review of eligibility was completed. That the Appellant had received \$280 in crisis supplements within the past 12 months being for food in November 2018, and January, February, May and September 2019 and a clothing crisis supplement in January 2019

(3) The Request for Reconsideration dated October 28, 2019

In the Request for Reconsideration, the Appellant

- questioned how the 1st criterion [of section 57 EAPWDR], namely having not received "*their October income assistance payment*" was not satisfied when, although not explicitly stated, it appears the ministry was of the opinion that receipt of income assistance for that month was a criterion that had to be met in order for the Appellant to be eligible for the supplement. The Appellant questioned the ministry finding by saying "*how is this criterion not met?*"
- stated that the finding in relation to the 2nd criterion [of section 57 EAPWDR] that the Appellant received a "*November income assistance payment and now has resources too [sic] meet their needs*" was false. The Appellant states that no money was received for November assistance and it was still due into the the Appellant's bank account by direct deposit and that the Appellant did state this was unexpected from the ministry
- stated in relation to the 3rd criterion that the ministry's finding that the Appellant "*has accessed community resources*" is false, and that what the Appellant said was that there were no resources available on cheque pay week, and that the Appellant had not accessed any resources
- stated in relation to the 4th criterion that the ministry finding that the Appellant had not stated that the Appellant was in immediate danger was false. The Appellant stated that an immediate danger was present because the Appellant's medication for their serious illness does not work if there is no food taken at the same time, leaving the Appellant at risk of developing opportunistic infections and facing death.

B. Evidence at the Appeal

(1) November 6, 2019 - A Letter from the Ministry

In this letter, the ministry acknowledged receipt of a request for access to records under the *Freedom of Information and Protection of Privacy Act*, and advised the allowable time limit for response to the request and how it would be met.

(2) November 12, 2019 - Letter from an Advocacy Organization authored by a Social Worker

This letter addressed "To Whom It Concerns" confirmed that the Advocacy Organization had the Appellant as a client and that the Appellant was living with a serious disease, requires daily medications to support the immune system and avoid an imminent risk to the Appellant's health, and that the Appellant is required to have access to nutritious food in order to promote absorption, prevent stomach upset and other side effects, which could reduce or eliminate the medication's effectiveness. Letter also stated that lack of nutritional resource can directly impact absorption of the medication even if vomiting is not a factor.

(3) Additional Evidence – Ministry

The ministry presented no additional evidence.

(4) Additional Evidence – Appellant

At the appeal the appellant presented no additional evidence.

PART F – REASONS FOR PANEL MAJORITY DECISION

This Appeal is the first of 2 appeals by the same Appellant heard today. The first appeal is from a denial of a crisis supplement for food for October 2019 and the 2nd appeal is from a denial of a crisis supplement for food for November 2019.

The Panel determined that as the parties to the two appeals are the same, and the appeals involve much the same facts and arguments, where the facts are common to both appeals, those facts would be considered in each decision and where the argument in each appeal was common to both appeals, was arguments would also be considered in each decision.

Issue on Appeal

The issue on appeal is whether the reconsideration decision of the Ministry of Social Development and Poverty Reduction (the Ministry) made under section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) and dated November 7, 2019, that denied the Appellant's request for a crisis supplement for food for October, 2019 was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the Appellant.

While at Reconsideration, the Appellant satisfied the minister that the Appellant faced an unexpected expense, had no resources with which to meet that expense, and that failure to meet that expense would result in imminent danger to the Appellant's physical health, the ministry was not satisfied that the Appellant was entitled to the crisis supplement because it found the Appellant not currently eligible for disability assistance or hardship assistance and as such the Appellant did not meet the eligibility criteria. The ministry cited section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation*.

Applicable Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA), section 5 Disability assistance and supplements

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance for Persons with Disabilities Act (EAPWDA), section 10 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.

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 15
Effect of recipient being absent from BC for more than 30 days

15 The family unit of a recipient who is outside of British Columbia for more than a total of 30 days in a year ceases to be eligible for disability assistance or hardship assistance unless the minister has given prior authorization for the continuance of disability assistance or hardship assistance for the purpose of

- (a) permitting the recipient to participate in a formal education program,
- (b) permitting the recipient to obtain medical therapy prescribed by a medical practitioner, or
- (c) avoiding undue hardship.

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 28
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.

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 57
Crisis supplement

57 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if

(a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and

(b) the minister considers that failure to meet the expense or obtain the item will result in

- (i) imminent danger to the physical health of any person in the family unit, or
- (ii) removal of a child under the *Child, Family and Community Service Act*.

(2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.

(3) A crisis supplement may not be provided for the purpose of obtaining

- (a) a supplement described in Schedule C, or
- (b) any other health care goods or services.

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:

- (a) if for food, the maximum amount that may be provided in a calendar month is \$40 for each person in the family unit;
- (b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of
 - (i) the family unit's actual shelter cost, and

- (ii) the maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit;
- (c) if for clothing, the amount that may be provided must not exceed the smaller of
- (i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and
 - (ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.

General Scheme of the Legislation

The general scheme of the *EAPWDA* section 5: The minister may provide a supplement to a person if that person has been designated as a Person with Disabilities and meets the requirements of the *EAPWDR* section 57. That section provides that an individual designated as a Person with Disabilities may receive a crisis supplement if three more criteria are met:

- The first is that the Minister may provide a supplement if it is required to meet an unexpected expense or to obtain an item unexpectedly needed (section 57(1)(a) *EAPWDR*).
- The second is that the person is unable to meet the expense or obtain the item because there are no resources available to the family (section 57(1)(a) *EAPWDR*).
- The third is that the Minister must consider that failure to meet the expense or obtain the item will result in either imminent danger to the person's physical health or removal of a child under the *Child, Family and Community Service Act* (section 57(1)(b) *EAPWDR*). The child removal provision is not an issue as the Appellant lives alone.

Appellant's Submission at Appeal

The Appellant submitted that they had informed the ministry of their health problems and disabilities, but the ministry had ignored all their pleas. The Appellant also complained that anything they said to the ministry appears to the Appellant that the ministry personnel don't speak English or French or [REDACTED]. The appellant submitted that the letters submitted to the Tribunal concerning their health and safety are never taken into consideration and that it's clear from the responses from the ministry, because the ministry has rejected the Appellant's application for a food supplement.

The Appellant also wanted to inform the Panel that they want to file a Human Rights complaint against the ministry. The Panel informed the appellant that the Employment and Assistance Tribunal can not deal with Human Rights, and has no legislative authority to do so, and that if the Appellant wished to make such a complaint they must do so themselves and not through the Employment and Assistance Tribunal.

The Appellant asked the Panel to refer to the contents of their letters, outlining the Appellant's medical issues, the fact that their medication does not work if not taken with food, and that if it is taken without food their viral load increases and puts their life at risk. The Appellant stated that the ministry ignores this information, putting their health at risk and an increased risk of acquiring opportunistic infections. The Appellant complained that the ministry continues to defend its illogical position that the Appellant has no risk. They went on to complain that the ministry does not know what their disabilities are and that they are certain information is there for the ministry; the Appellant said that after 11 months of attempting to obtain information the ministry holds regarding their disabilities, they have finally obtained their file.

The Appellant said that the ministry was under the impression that it paid out the Appellant's benefits but that is not so: that they did not pay. Later in the Appellant's submissions the Appellant admitted that they had received \$2,554.84 on November 14, 2019, which was their regular assistance of \$1,275.42 per month for each of October and November 2019. The Appellant complained that the disability payments should have been made at the end of September.

The Appellant went on to complain that the ministry took the position that it should not have to pay anything as they were visiting their family in [REDACTED] that given their disabilities they have the right to visit family in [REDACTED] because the family cannot get visas to visit Canada and none of the Appellant's trips to [REDACTED] exceed 30 days.

The Appellant went on to complain that the ministry took the position that it should not have to pay anything as they were visiting their family in [REDACTED] that given their disabilities they have the right to visit family in [REDACTED] because the family cannot get visas to visit Canada and none of the Appellant's trips to [REDACTED] exceed 30 days.

The Appellant further complained the ministry delayed their October benefits by 7 weeks, putting the Appellant's health in danger because their viral load had increased.

The Appellant further complained that the language used in the legislation is ambiguous, with specific reference to the prohibition against receiving benefits for someone who travels more than 30 days in the year because the legislation does not specify how that 30 day period should be calculated and that legislation contravenes the Appellant's human rights.

The Appellant further submitted that the fact that they travelled outside of Canada for a number of days does not mean that the Appellant does not have a serious viral infection and that the ministry should not assume that because the travel is outside Canada and because the Appellant is continuing to pay rent that the Appellant is not eligible for assistance; the Appellant submitted that this amounts to ministry committing a capital crime by not providing assistance to them and that the Appellant's opinion with respect to the food supplement "*is enough to make the situation right as the food supplement was supposed to be delivered back then*".

The Appellant submitted that the only conclusion that can be drawn is that the Appellant's case should be referred to a Civil Court, a Criminal court, and a Human Rights Tribunal.

On questioning by the ministry, the Appellant said that they are initially not aware of the 30 day limit allowed to a disability recipient to travel outside of British Columbia, but learned of it when they were told at the time they spoke to the ministry while they were in [REDACTED]. The Appellant said that they contacted the ministry during their 2nd trip out of country when they called about their disability benefits on September 27, 2019, at which time they complained that their viral load had increased. The ministry further asked the Appellant to confirm that their deposits were made by direct deposit, and the Appellant said that arrangements had been made 10 times but the ministry was deleting the information. The Appellant further said that they had to go to a ministry office 3 times to reactivate the direct deposit, and they do not like the office they have to attend.

On questioning by the Panel as to for how long the Appellant left British Columbia on his trips, in total, and being asked to confirm it was 42 days, the Appellant said that was very possible but did not have the information in front of them and in any event they had a human right to visit their family without benefits being terminated.

Ministry Submission at Appeal

The Ministry relied on the Reconsideration decision and stated that at reconsideration disability benefits were denied when the ministry became aware of the Appellant's trip to [REDACTED]. The ministry referred to the 4 criteria that must be satisfied in order for a crisis supplement to be allowed; the ministry emphasized that the recipient must be in receipt of disability assistance or hardship assistance, must be facing an unexpected expense, must have no resources with which to meet that expense, and that the Minister must consider that a failure to meet that expense will result in imminent danger to a recipient's physical health.

The ministry said that the reconsideration decision under appeal, made November 7, 2019, was appropriate because the Appellant was not eligible. On review the ministry found that the Appellant had not been provided with assistance for October or November 2019 and agreed that benefits for October would normally have been provided at the end of September and benefits for November would normally have been provided at the end of October. The ministry said that the normal benefits for the Appellant were \$1,275.42 per month. Ministry said it was not clear in the appeal package whether or not the Ministry received a call from the Appellant advising that the appellant was in [REDACTED] but that their benefits were "put on hold" until the Appellant's eligibility could be confirmed.

The ministry stated that the Appellant asked for a crisis supplement for food on October 23, which was denied, and it is the reconsideration of that denial that is now under consideration at this appeal. The ministry said that the ministry required more detail about the Appellant's absences from British Columbia, and that those are provided in the appeal book or the appellant's 2nd appeal being heard today. The ministry further submitted that as the Appellant's status was uncertain the ministry could not provide the crisis supplement.

On questioning by the Panel as to if there is or is not a requirement for a disability recipient to advise the ministry when the recipient is going out of British Columbia for more than 30 days and whether or not reporting absences is voluntary or is there a form to be completed, the ministry was evasive, and stated that that was not part of this appeal.

On further questioning by the Panel the ministry stated that the Appellant was paid benefits for October and November and when asked when eligibility for the October disability payment was considered, the ministry said that they can't say what the Tribunal considers. The ministry said that on November 14, 2019 the Appellant did attend an office in person and the Appellant's eligibility was re-established for October and November.

Analysis

At Reconsideration, there was no issue that the Appellant was designated as a Person with Disabilities.

At Reconsideration and dealing with of the criteria to be met pursuant to section 57 *EAPWDR*, the ministry found:

- Criterion 1: The Ministry was satisfied that the need for funds was unexpected, and therefore this criterion was met.
- Criterion 2: The Ministry was satisfied that the Appellant was unable to meet the expense because the Appellant had no resources available, and therefore this criterion was met.
- Criterion 3: The ministry was satisfied that failure to meet the expense, specifically the inability to obtain food, may result in imminent danger to the Appellant's physical health, and therefore this criterion was met.

At Reconsideration, the ministry said that the Appellant's request for a crisis supplement could not be approved because the Appellant was not currently eligible for disability assistance or hardship assistance.

As the panel understands it, the ministry's position is although the Appellant meets the criteria of section 57(1)(a) and (b) *EAPWDR*, the crisis supplement could not be granted because the Appellant did not meet the criterion set out in section 57(1) *EAPWDR* which requires that the Appellant be eligible for disability or hardship assistance, and the Appellant was not eligible.

Neither in the Reconsideration decision nor at the appeal did the ministry explain why the Appellant was not eligible for disability or hardship assistance. The Reconsideration decision stated that there were case notes indicating that the Appellant had been out of Province and went on to state that no further benefits would be provided until the Appellant went in person to a ministry office and had a review of eligibility. The ministry did not cite the authority of section 15 *EAPWDR* in support of the position that persons who have PWD status and who are out of province on a holiday do not qualify for benefits.

However, the Panel notes that section 10 *EAPWDA* provides that in order to determine eligibility, the minister can direct an applicant to supply the minister with information within the time and in a manner specified by the minister and that if an applicant or recipient fails to comply with the direction under section 10 the minister may declare the family unit ineligible for disability assistance, hardship assistance or a supplement. The Panel also notes that section 28 *EAPWDR* specifies that the period of ineligibility lasts until the applicant or recipient complies with the minister the direction.

The panel cannot ignore the evidence in the Appellant's accompanying appeal from a reconsideration decision dated November 18, 2019 concerning the Appellant's absence from British Columbia. The panel notes that section 15 *EAPWDR* makes a recipient who is outside of British Columbia for more than a total of 30 days in a year ineligible for continued disability or hardship assistance, unless the Minister has provided that person with prior authorization, for various purposes prescribed under that section.

The panel cannot ignore cannot ignore the documents provided by the Appellant and referred to in the accompanying appeal, specifically the Airline Flight Information referred to in Part E "Summary of Facts" numbered A (5),

- the 1st period of absence from British Columbia was 14 days, from June 21, 2019 until July 4, 2019, and
- the 2nd period of absence was 28 days, from September 27, 2019 until October 24, 2019

which is a total period of absence from British Columbia of 42 days, which is in excess of the 30 days absence that is permissible under section 15 *EAPWDR*.

The panel notes that section 15 *EAPWDR* makes a recipient who is outside of British Columbia for more than a total of 30 days in a year ineligible for continued disability or hardship assistance unless the Minister has provided that person with prior authorization, for various purposes prescribed under that section.

There was no evidence that the Minister had provided the Appellant with prior authorization to be absent from British Columbia for more than 30 days.

In the Reconsideration decision the ministry found that the Appellant "*After full review of the information provided and applicable legislation, the ministry finds that you are currently ineligible for a crisis supplement therefore is unable to approve your request for a crisis supplement for food*" and went on to find that the Appellant was "*currently not eligible for disability assistance or hardship assistance*" under section 57(1) *EAPWDR*.

The Panel finds, with one Panel member dissenting, that the Appellant became ineligible for disability assistance on October 13, 2019, when the Appellant had been absent from British Columbia for a total of 30 days without prior authorization from the Minister.

The Panel finds, with one Panel member dissenting, that the Appellant's first appeal dated November 8, 2019 was made concerning denial of a crisis supplement for the month of October, 2019, at a time when the Appellant was not eligible for disability assistance because the Appellant had been absent from British Columbia for more than 30 days, contrary to section 15 *EAPWDR*.

The Panel finds, with one Panel member dissenting, that when the Appellant made the request for a crisis supplement on October 23, 2019 and on the date the Appellant requested reconsideration, October 28, 2019, and on the date the Reconsideration decision was rendered, November 7, 2019, in this, the Appellant's 1st appeal filed November 8, 2019, the Appellant was ineligible for disability assistance, and therefore was not eligible for a crisis supplement pursuant to section 57(1) *EAPWDR*.

Majority Conclusion

The Panel finds, with one Panel member dissenting, that the Reconsideration decision dated November 7, 2019 was reasonably supported by the evidence and was a reasonable application of the legislation in the circumstances of the Appellant, and confirms the Reconsideration decision.

REASONS FOR MINORITY DECISION - DISSENTING REASONS

One member of the panel dissented for the following reasons.

I agree with the facts as summarized. The Reconsideration Decision states that a crisis supplement request must meet four criteria. At the time that the Reconsideration Decision was made, the Appellant had been deemed to not be eligible for disability assistance for the month of October. However, that determination of eligibility was subsequently overturned. As a result, at the time of the Appeal, the Appellant was deemed to be eligible for October assistance. Yet, due to delays that involved both the Appellant's absence from the country as well as normal time requirements to process paperwork, the Appellant did not actually receive their disability assistance payment until the second half of November. As a result, I conclude that the Appellant has satisfied the four criteria for the month of October. This new information allows me to conclude that the Reconsideration Decision is no longer reasonable.

PANEL DECISION

The Appellant is not successful in their appeal.

APPEAL NUMBER

PART G – 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)

PART H – SIGNATURES

PRINT NAME

Donald McLeod

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2019/11/29

PRINT NAME

Bill Haire

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/11/29

PRINT NAME

Marlene Russo

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/11/29