

Part C - Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated February 10, 2023, which determined the \$1178.00 Employment Insurance income received in December 2022 is considered unearned income and exceeds the amount of income assistance. As a result, the appellant is not eligible for February 2023 income assistance in accordance with section 10(2) of the Employment and Assistance Regulation.

Part D - Relevant Legislation

Employment and Assistance Regulation (EAR), sections 1, 10, 28, 33 and Schedule A, sections 1, 2, and 4 and Schedule B sections 1, 6 and 7

Employment Insurance Act

Part E – Summary of Facts**Relevant Evidence Before the Minister at Reconsideration****Ministry records show:**

- The appellant is a sole recipient of income assistance. Her file has been opened since November 17, 2022. She receives \$935.00 income assistance/monthly (\$560.00 support allowance and \$375.00 shelter allowance).
- On January 6, 2023 the appellant submitted her monthly report, declaring she had received \$1178.00 Employment Insurance (EI) income and an income tax refund of \$1357.74.
- The ministry receives information from Service Canada through an electronic data match and upon review the ministry found the appellant had an EI claim for regular benefits which commenced May 8, 2022. Her last regular payment was received on September 2, 2022. However, due to an underpayment of benefits she received a retroactive lump sum payment on December 15, 2022.

Request for Reconsideration (January 27, 2023)

The appellant stated her last deposit while still receiving EI benefits was August 24, 2022. Her EI claim finished in early September and she is not receiving EI.

The appellant stated that her EI benefits were re-assessed and it was found that she should have received more at the time. She added that this error is not her fault and she should not be paying for it now. It was an unexpected payment owed to her from her claim that finished in early September 2022. The \$1178.00 should have already been in her account when she began income assistance in late November 2022. She also added that she had bills overdue because she wasn't paid as much as she should have been, and she still has bills to pay.

The appellant also stated that she should not be punished for the government's mistake and is asking the ministry to look at her bank account and see the payments - last one from EI previously was August 24, 2022.

Monthly Report January 2023

The appellant claimed:

Employment Insurance - \$1,178.00

Income Tax Refund - \$1,357.74

EI/Ministry Common Claimant Report (January 16, 2023)

EI benefit amount \$1,178.00

Additional Information

Appellant

Notice of Appeal (March 15, 2023)

The appellant stated that her February payment was reduced to zero due to an error in the system.

At the hearing, the appellant stated she was on medical EI benefits for three months, not regular benefits. She added that there was a lot of miscommunication with the ministry. For example, she was advised she would be paid on January 18, 2023. She also stated that she filed her income assistance report a day late (on January 6, 2023) and therefore believes it shouldn't have been applied to January 2023.

Ministry

The ministry relied on its record at the hearing. The ministry added that the date of filing the report is not the key date - the date of receipt of the EI underpayment is (i.e., received in December, reported in January, affects February income assistance). The ministry also stated that the "payment on January 18th" message is part of an automated system. As well, the ministry added that the only exempt EI benefits are maternity benefits, and added that the income tax refund was exempt.

Admissibility

The panel determined all the additional information is reasonably required for a full and fair disclosure of all matters related to the decision under appeal and therefore is admissible under section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

The issue on appeal is whether the ministry's reconsideration decision was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant. Specifically, was the ministry reasonable to decide that the \$1178.00 EI income the appellant received in December 2022 is unearned income and exceeds the amount of income assistance, and as a result the appellant is not eligible for February 2023 income assistance in accordance with section 10(2) of the EAR..

Relevant sections of the legislation can be found in the Schedule of Legislation.

Appellant Argument

The appellant argues her last deposit while still receiving EI benefits was August 24, 2022 and she is not receiving EI. The appellant stated that her EI benefits were re-assessed and it was found that she should have received more at the time but argues that this error is not her fault and she should not be paying for it now. The \$1178.00 should have already been in her account when she began income assistance in late November 2022.

The appellant also argues that she filed her income assistance report a day late (on January 6, 2023) and therefore believes it shouldn't have been applied to January 2023.

She argues further that she had bills overdue because she wasn't paid as much as she should have been, and she still has bills to pay.

In addition, the appellant argues that she should not be punished for the government's mistake.

Ministry Argument

The ministry argues the income the appellant received is considered unearned income as set out in section 1(g) of the EAR and is not exempt from income assistance because the appellant's EI claim is for regular benefits and is not money received for maternity, parental or caring for a critically ill child. The only permitted deduction is for taxes.

The ministry acknowledges that the appellant received this money due to an underpayment of benefits, and that her EI claim ended in September 2022, prior to her receipt of income assistance. However, the ministry argues for recipients of income assistance, regardless of the period for which the income is payable, the income one receives in a month is to be declared by the 5th of the following month and affects income

assistance the following month (i.e., December income is declared by January 5th and affects February income assistance). Legislation does not allow for discretion.

In addition, the ministry stated the rate of income assistance for a sole recipient with no dependents, under Schedule A is \$560.00 for support and \$375.00 for shelter, for a total of \$935.00. Therefore, the ministry argues as the \$1178.00 net income from December 2022 exceeds the \$935.00 rate of assistance, the appellant is not eligible for February 2023 income assistance in accordance with section 10(2) of the EAR.

Analysis

Section 1, EAR – definitions

Section 1 defines unearned income as any income that is not earned income and includes EI under 1(g).

Sections 10 and 28, Schedules A and B, EAR – limits on income, amount of income assistance and deduction rules

Section 10(2) states a family unit is not eligible for income assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of income assistance determined under Schedule A.

Section 28 states income assistance may be provided for a family, for a calendar month, in an amount that is not more than

- (a) the amount determined under Schedule A, minus
- (b) the family's net income determined under Schedule B.

Schedule A, sections 1, 2 & 4 – income assistance rates

Schedule A shows the amount of income assistance for a sole recipient with no dependent children to be \$560.00, and the maximum shelter allowance to be \$375.00 for a total of \$935.00/month. Ministry records show the appellant receives \$935.00 income assistance/monthly. The panel finds the ministry reasonably calculated the appellant's monthly income assistance as \$935.00/month.

Schedule B, sections 1, 6 & 7 – net income calculation

Schedule B, section 1 lists monies, which are exempt when calculating the net income of a family unit for the purposes of section 28(b). The panel finds EI benefits are not listed as an exemption under section 1, Schedule B.

The panel notes section 6(a), Schedule B, states deductions are permitted for any income tax deducted at source from EI benefits. However, the panel finds these deductions do not apply to the EI benefits received by the appellant.

The panel notes Schedule B, section 7(1)(g) lists, “a benefit paid under section 22, 23 or 23.2 of the *Employment Insurance Act* (Canada) to any person in the family unit”, as an exemption. However, the panel also notes, sections 22, 23 and 23.2 of the *Employment Insurance Act* pertain to pregnancy benefits, parental benefits or benefits to care for a critically ill child, respectively. Although ministry records show that information from Service Canada states that the appellant had an EI claim for regular benefits, at the hearing, the appellant stated her EI claim was for medical benefits. However, the panel notes medical EI benefits are not listed as an exemption under Schedule B, section 7 either.

Therefore, the panel finds the ministry reasonably determined the EI benefits received in December 2022 cannot be considered exempt under Schedule B of the EAR.

Section 33, EAR – monthly reporting requirement

Section 33 of the EAR states, the report must be submitted by the 5th day of each calendar month, and all income received must be reported. Evidence shows the appellant declared \$1,178.00 in EI on her January 2023 monthly report. Although at the hearing, the appellant stated she did not file her report until January 6th, the panel finds the ministry reasonably determined that the EI income received in December 2022 and reported in January (one day late) affects February income assistance benefits.

The panel finds the appellant’s income assistance of \$935.00/month is less than the \$1178.00 EI benefits declared in December 2022. Therefore, the panel finds the ministry reasonably determined that no income assistance benefits were payable for February 2023 as per section 10(2) of the EAR.

Conclusion

The panel finds the ministry’s reconsideration decision that determined the \$1178.00 EI income the appellant received in December 2022 is unearned income and exceeds the amount of income assistance, and as a result the appellant is not eligible for February 2023 income assistance in accordance with section 10(2) of the EAR, was a reasonable application of the legislation in the circumstances of the appellant.

The appellant is not successful on appeal.

Schedule of Legislation

Employment and Assistance Regulation

Part 1 — Interpretation

Definitions

1 (1) In this regulation:

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

(g) employment insurance; ...

Limits on income

10

...

(2) A family unit is not eligible for income assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of income assistance determined under Schedule A for a family unit matching that family unit.

Amount of income assistance

28 Income 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.

Monthly reporting requirement

33 (1) For the purposes of section 11 (1) (a) [*reporting obligations*] of the Act,

(a) the report must be submitted by the 5th day of each calendar month, and

(b) the information required is all of the following, as requested in the monthly report form specified by the minister:

...

(iii) all income received by the family unit and the source of that income;

...

Schedule A
Income Assistance Rates

(section 28 (a))

Maximum amount of income assistance before deduction of net income

1 (1)Subject to this section and sections 3 and 6 to 10 of this Schedule, the amount of income assistance referred to in section 28 (a) [*amount of income 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....

Monthly support allowance

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

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount of Support
1	Sole applicant/recipient and no dependent children	Applicant/recipient is under 65 years of age	\$560.00

...

4 (1)For the purposes of this section ...
 (2)The monthly shelter allowance for a family unit other than a family unit described in section 15.2 (1) of the Act is the greater of
 (a)the minimum set out in the following table for the family unit, and
 (b)the lesser of
 (i)the family unit's actual shelter costs, and
 (ii)the maximum set out in the following table for the family unit.

Item	Column 1 Family Unit Size	Column 2 Minimum	Column 3 Maximum
1	1 person	\$75	\$375

...

Schedule B

Net Income Calculation

(section 28 (b))

Deduction and exemption rules

1 When calculating the net income of a family unit for the purposes of section 28

(b) [*amount of income 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;

...

(iv) a family bonus, except the portion treated as unearned income under section 10 (1) of this Schedule;

(iv.1) the Canada child benefit, 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 [*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;

...

(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;

(xvii.1) money that is paid or payable to or for a person if the payment is in accordance with

(A) the Sixties Scoop Settlement made November 30, 2017, or

(B) the Federal Indian Day Schools Settlement made March 12, 2019, as amended May 13, 2019;

(xviii) financial assistance payments provided under Part 6 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;

...

(xxi) 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*;

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

...

(xxiv) 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;

(xxv) a loan that is

(A) not greater than the amount contemplated by the recipient's business plan, accepted by the minister under section 77.2 of this regulation, and

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

(xxvi) 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) 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;

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

(xxx)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;

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

(xxxi.1)a rental housing benefit provided under the *Rental Housing Benefit Act* (Canada);

(xxxi.2)a dental benefit provided under the *Dental Benefit Act* (Canada);

(xxxii)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;

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

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

...

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

(xxxvii)money paid or payable to a person under the *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;

(xxxvii.1)money that is paid or payable to or for a person if the payment is in accordance with the settlement under the Final Settlement Agreement and Supplementary Agreement approved by the Federal Court June 22, 2018 in Court File No. T-370-17, *Todd Edward Ross et al. v. Her Majesty the Queen*;

(xxxvii.2)money that is paid or payable to or for a person if the payment is in accordance with the settlement under the Final Settlement Agreement approved by the Federal Court January 30, 2019 in Court File No. T-1068-14, *Raymond Michael Toth v. Her Majesty the Queen*;

(xxxviii)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;

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

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

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

(xlii) 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;

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

(xliv) a BC early childhood tax benefit;

(xliv.1) a BC child opportunity benefit;

(xliv.2) a BC family benefit;

(xlv) child support;

(xlvi) orphan's benefits under the *Canada Pension Plan Act* (Canada);

(xlvii) gifts, other than recurring gifts;

(xlviii) compensation paid or payable under Division 5 [*Compensation in Relation to Death of Worker*] of Part 4 [*Compensation to Injured Workers and Their Dependants*] or section 225 [*compensation in relation to worker death before July 1, 1974*] of the *Workers Compensation Act* to a dependant, as defined in section 1 of that Act, who is a child, as defined in section 165 (1) of that Act;

(xlix) 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;

(l) 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;

(l.1) 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 of Children and Family Development, that ministry, an employee of that ministry or a person retained under a contract to perform services for that ministry;

(l.2) money that is paid or payable by the government of British Columbia to or for a person because the person was a resident of Woodlands School;

(li) a disabled contributor's child's benefit paid or payable under the *Canada Pension Plan*;

(lii) payments granted under an agreement referred to in section 94 of the *Child, Family and Community Service Act*;

(liii) money that is paid or payable, in respect of a child, from property that comes into the control of, or is held by, the Public Guardian and Trustee;

- (liv) money that is paid or payable from a settlement in respect of Treaty No. 8 agricultural benefits;
- (lv) money that is paid or payable from a settlement under
 - (A) the Cadboro Bay Litigation Settlement Agreement, dated for reference November 1, 2017, between the Esquimalt Nation and Canada, or
 - (B) the settlement agreement, dated for reference October 30, 2017, between the Songhees Nation and Canada;
- (lvi) money that is paid or payable under the Memorial Grant Program for First Responders established under the authority of the *Department of Public Safety and Emergency Preparedness Act* (Canada);
- (lvii) money, or goods or services in kind, received or to be received by a participant in the Ministry of Social Development and Poverty Reduction's Work Experience Opportunities Grant program from a grant under the program;
- (lviii) a rebate of all or part of a premium paid to the Insurance Corporation of British Columbia under the *Insurance (Vehicle) Act* and the plan operated under that Act;
- (lix) an amount that is paid or payable, as a single payment or series of payments, as follows:
 - (A) the amount is paid or payable by a person who is or was a landlord, owner or manager, or a person who holds or held a similar position, in relation to leased, rented or licensed residential premises, whether or not the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act* applies to that premises;
 - (B) the amount is paid or payable to a person who is or was a tenant, lessee, licensee or occupant, or a person who has or had a similar right or permission to use the premises for residential purposes;
 - (C) the amount is paid or payable as full or partial compensation for loss of the residential use of the premises, including for eviction, relocation, demolition, temporary displacement during repair, renovation or redevelopment, or as an inducement to cease or suspend residential use;
 - (D) the amount is paid or payable under an enactment, a policy or a contract, or voluntarily or at the discretion of the person referred to in clause (A);
- (lx) money that is paid or is payable to or for a person from a settlement under the Williams Treaties Settlement Agreement signed August 22, 2018;
- (lxi) money that is paid or is payable to or for a person from a settlement under the Missanabie Cree First Nation Treaty Land Entitlement Settlement Agreement signed April 24, 2020;
- (lxii) money that is paid or is payable to or for a person from a settlement under the Peepeekisis Cree Nation File Hills Colony Specific Claim Settlement Agreement signed March 23, 2021;
- (lxiii) money that is paid or is payable to or for a person from a settlement under an agreement to settle claims relating to the transfer of the Seabird Island Indian

Reserve in 1959 by the Government of Canada to the Seabird Island Band and the distribution of shared trust funds on a per capita basis;

(lxiv)a voted support payment.

(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 of this Schedule,

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

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

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:

...

(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 11 [*asset limits*] of this regulation;

(d)a payment made from a trust to or on behalf of a person referred to in section 13 (2) [*assets held in trust for person receiving special care*] 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 13 (2) (a) of this 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 13.1 (2) [temporary exemption of assets for person applying for disability designation or 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 13 (2) of this regulation;

(ii) a structured settlement annuity payment that, subject to subsection (2), is made to a person referred to in section 13 (2) (a) of this regulation;

(iii) money expended by a person referred to in section 13.1 (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.

(2) Subsection (1) (d.1) and (d.3) (ii) applies in respect of a person only if

(a) the person has entered into a settlement agreement with the defendant in relation to a claim for damages in respect of personal injury or death, and

(b) the settlement agreement requires the defendant to

(i) make periodic payments to the person for a fixed term or the life of the person,

(ii) purchase a single premium annuity contract that

(A) is not assignable, commutable or transferable, and

(B) is designed to produce payments equal to the amounts, and at the times, specified in the settlement agreement,

(iii) make an irrevocable direction to the issuer of the annuity contract to make all payments under that annuity contract directly to the person, and

(iv) remain liable to make the payments required by the settlement agreement.

Employment Insurance Act

Pregnancy

22 (1) Despite section 18, but subject to this section, benefits are payable to a major attachment claimant who proves her pregnancy.

Parental benefits

23 (1) Despite section 18, but subject to this section, benefits are payable to a major attachment claimant to care for one or more new-born children of the claimant or one or more children placed with the claimant for the purpose of adoption under the laws governing adoption in the province in which the claimant resides.

Benefits — critically ill child

23.2 (1) Despite section 18, but subject to this section, benefits are payable to a major attachment claimant who is a family member of a critically ill child in order to care for or support that child, if a medical doctor or nurse practitioner has issued a certificate that...

APPEAL NUMBER 2023-0076

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)

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

Part H – Signatures

Print Name

Connie Simonsen

Signature of Chair

Date (Year/Month/Day)

2023/04/14

Print Name

Mimi Chang

Signature of Member

Date (Year/Month/Day)

2023/04/14

Print Name

Bill Farr

Signature of Member

Date (Year/Month/Day)

2023/04/14