

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision (decision) dated April 3, 2023, which determined the appellant was not eligible for income assistance, as per sections 1 and 16 of the Employment and Assistance Regulation, because she is a full-time student.

Part D – Relevant Legislation

Employment and Assistance Act (Act), section 2

Employment and Assistance Regulation (Regulation), sections 1 and 16

Canada Student Financial Assistance Act

Canada Student Financial Assistance Regulation

Relevant sections of the legislation can be found in the Schedule of Legislation at the end of this decision.

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

- The appellant is a sole applicant with two dependent children.
- She provided information confirming she was enrolled in a full-time program with a college from November 21, 2022, to November 17, 2023.
- The appellant also provided her application for Student Aid BC and advised she has received a student loan.

Work Search (April 5, 2023)

The appellant provided several screenshots with information on places she has applied for work.

Request for Reconsideration (March 19, 2023)

The appellant stated that the program she is in has a mandatory attendance of 30 minutes per day; however, it can be done any time. It is a flex-time learning, modern educational system, which does not affect her family or working life. It is not a traditional kind of learning. The appellant states she needs the education in order to have more job opportunities.

Letter of Enrollment – To Whom It May Concern, from the College (March 7, 2023)

Student's Name (appellant's name)

The letter confirms the enrollment of the appellant into the College's Human Resources and Payroll Coordinator Program. The letter states that this course is 50 weeks, 1,000 hours, which includes 10 weeks or 200 hours of a mandatory practicum throughout the program. The courses are delivered online and are flexible except for the practicum component.

Program Outline (no date)

Program of Study

Human Resources and Payroll Coordinator

Program Information

Date classes start – November 21, 2022

Date Classes end- November 17, 2023

Course load – 100%

Notification of Assessment (December 30, 2022) (Student Aid BC)

To: Appellant

School – Name of College

Program - Human Resources

The notification states the appellant is eligible to receive \$26,520 and advises her that her funding has been and/or will be made available on or after the following dates(s):

Date	Type of Funding	Amount
December 29, 2022	British Columbia Student Loan	\$2,340
December 29, 2022	Canada Student Loan	\$10,920
May 21, 2023	British Columbia Student Loan	\$13,260

Federal/Provincial Financial Need Assessment			“Unmet need is the difference between your assessed financial need and the amount of funding being provided by Student Aid BC. If your unmet need is greater than \$0, you may need to seek additional sources of funding outside Student Aid BC.”
	Federal	Provincial	
Assessed Education Costs	\$63,073	\$63,073	
Assessed Financial Resources	\$0	\$0	
Assessed Financial need	\$63,073	\$63,073	
Funding through Student Aid BC	(\$26,520)		
Unmet Need	\$36,553	\$36,553	

Additional Information

Appellant

Notice of Appeal (April 11, 2023) - summary

The appellant stated that she is a single mother with two children, and at this time she doesn't have an income because her previous job ended. After searching for another job, she found that her lack of skills made it more challenging to find a job. So, she decided to take this course. She is attending college for one year to achieve a diploma for a Payroll and Human Resources Coordinator. The program is very flexible and does not affect her job and her children. She adds that she is searching for different jobs herself and through her community with her social worker and Work BC but can't find a job. The appellant also states that she is in a challenging financial situation, and so applied to the ministry for

income assistance. Her application was denied because she is enrolled in a funded full-time school program according to the ministry's legal definition of a full-time student. The appellant also stated that Student Aid BC approved a loan for her school tuition only but, she doesn't have any funds for living.

At the hearing, the appellant reiterated that her studies did not prevent her from working. However, she couldn't find a job, so applied for assistance because she only receives funds for the tuition. She added that she has to be online for 30 minutes each day but can do the rest of her course work any time of the day. She spends one or two or three hours a day on her studies.

Ministry

The ministry relied on its record and added that the appellant would not qualify for assistance under section 16(1.2) of the Regulation either as she is not a recipient of assistance.

The panel determined the additional information was argument.

Part F – Reasons for Panel Decision

The issue on appeal is whether the ministry's 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 the appellant was not eligible for income assistance, as per sections 1 and 16 of the Regulation, because she is a full-time student?

Appellant Argument

The appellant argues that although Student Aid BC approved a loan for her tuition, she doesn't have any funds for living. She also argues that the program she is in is a flex-time learning, modern educational system, which does not affect her family or working life.

In addition, the appellant argues she needs the program to have more job opportunities.

Ministry Argument

The ministry argues, as the appellant is attending school as a full-time student in a funded program of studies, she is not eligible for income assistance - until the first day of the month after the month in which the exams for the relevant program of studies are held, according to section 16 of the Regulation.

Panel AnalysisSection 2, Act – eligibility

Section 2 of the Act states a family unit is eligible for income assistance if each person in the family unit satisfies the initial and continuing conditions of eligibility.

Section 1, Regulation – definitions of full-time student and funded program of studies

Section 1 of the Regulation states, "full-time student" has the same meaning as in the Canada Student Financial Assistant Regulations, which states a full-time student is someone who is enrolled in courses that constitute at least 60 per cent of a course load - recognized by the designated educational institution as a full course load.

The appellant argues the program is a flex-time learning, modern educational system, which does not affect her family or working life.

The panel notes in the Letter of Enrollment, the course load is shown as 100%. The panel acknowledges that as the program is online it provides a flexible schedule. However, the panel finds that as the course load is shown as 100%, a flexible schedule alone will not

mean the course load is not full time. As well, although the appellant has demonstrated she is searching for work, the panel finds an active job search also does not mean the course load is not full time. Therefore, the panel finds the ministry reasonably determined the appellant is a full-time student.

Section 1 of the Regulation also states a funded program of studies means a program of studies for which funding, provided to students under the *Canada Student Financial Assistance Act*, may be provided to a student enrolled in it. The panel notes the Notice of Assessment shows a source of funding from Canada Student Loan in the amount of \$10,920. The panel finds funding was provided to the appellant under the *Canada Student Financial Assistance Act*. Therefore, the panel finds the ministry reasonably determined the appellant is in a funded program of studies.

Section 16, Regulation – full-time student effect on family

Section 16(1) of the Regulation states a family is not eligible for income assistance if a recipient is enrolled as a full-time student in a funded program of studies. Section 16(2) states the period extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams in the relevant program of studies are held.

The panel notes the letter of enrollment shows classes started on November 21, 2022 and end on November 17, 2023.

As the panel finds the appellant is presently a full-time student in a funded program of studies, it finds the ministry reasonably concluded that the appellant is not eligible for income assistance in accordance with section 16 of the Regulation.

Conclusion

The panel finds the ministry's decision that determined the appellant was not eligible for income assistance, as per sections 1 and 16 of the Regulation, because she is a full-time student, was reasonably supported by the evidence.

The appellant is not successful on appeal.

Schedule of Legislation

Employment and Assistance Act

Eligibility of family unit

2 For the purposes of this Act, a family unit is eligible, in relation to income assistance, hardship assistance or a supplement, if

- (a) each person in the family unit on whose account the income assistance, hardship assistance or supplement is provided satisfies the initial and continuing conditions of eligibility established under this Act, and
- (b) the family unit has not been declared ineligible for the income assistance, hardship assistance or supplement under this Act.

Employment and Assistance Regulation

Part 1 — Interpretation

Definitions

1 (1) In this regulation:...

"full-time student" has the same meaning as in the Canada Student Financial Assistance Regulations (Canada);

"funded program of studies" means a program of studies for which funding provided to students under the *Canada Student Financial Assistance Act* may be provided to a student enrolled in it;...

Effect of family unit including full-time student

16 (1) Subject to subsection (1.1), a family unit is not eligible for income assistance for the period described in subsection (2) if an applicant or a recipient is enrolled as a full-time student

- (a) in a funded program of studies, or
 - (b) in an unfunded program of studies without the prior approval of the minister.
- (1.1) Subsection (1) (a) does not apply to a family unit that includes a recipient who is enrolled in a funded program of studies with the prior approval of the minister under subsection (1.2) during the period described in subsection (2).
- (1.2) For the purposes of subsection (1.1), the minister may approve a person to enroll in a funded program of studies if the person
- (a) is a recipient of income assistance,
 - (b) is required to enroll in the program of studies as a condition of an employment plan, and
 - (c) was receiving income assistance, hardship assistance or disability assistance in each of the immediately preceding 3 calendar months, unless the minister is satisfied that exceptional circumstances exist.

- (2)The period referred to in subsection (1)
- (a)extends from the first day of the month following the month in which classes commence and continues until the last day of the month in which exams in the relevant program of studies are held, and
 - (b)is not longer than 2 years.

Canada Student Financial Assistance Act

An Act respecting the making of loans and the provision of other forms of financial assistance to students...

Canada Student Financial Assistance Regulation

full-time student means a person

- (a) who, during a confirmed period within a period of studies, is enrolled in courses that constitute at least 60 per cent of a course load recognized by the specified educational institution as constituting a full course load,
- (b) whose primary occupation during that confirmed period is the pursuit of studies in those courses, and
- (c) who meets the requirements of subsection 3(1); (*étudiant à temps plein*)

APPEAL NUMBER 2023-0098

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/May/01

Print Name

Warren Fox

Signature of Member

Date (Year/Month/Day)

2023/05/03

Print Name

Jan Broocke

Signature of Member

Date (Year/Month/Day)

2023/05/01