

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) Reconsideration Decision dated 17 April 2023, in which the ministry determined the monthly permanent disability benefit the appellant is receiving is not exempt and must be deducted from disability assistance.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (the Regulation) – Section 1, and 24.

Schedule A– Section 1, 2, and 4.

Schedule B – Section 1, 3, 6, 7, and 8.

Employment and Assistance Act (EAA) – Section 19 and 24.

The relevant legislation is provided in the Appendix.

Part E – Summary of Facts

The appellant is a sole recipient of disability assistance.

The evidence before the minister at reconsideration included the following:

- The appellant had submitted a monthly report, reporting employment income of \$585.40 and Worker’s Compensation income of \$805.55. He reported he had got his old job back part-time and was no longer taking a course.
- The appellant advised that he was no longer receiving WCB payments. The ministry worker noted a letter on file from WorkSafeBC stating the appellant had started training in October 2022; however, the appellant had advised WorkSafeBC that due to pain he was unable to participate in the training and requested the benefits be discontinued and the training benefits were suspended effective December 11, 2022.
- The worker contacted the appellant to discuss the WorkSafe BC benefits and the appellant reported he was still receiving \$805.55 monthly for loss of function. The worker advised that there is no documentation on file confirming he will be in receipt of these benefits until the age of 65 and advised him to submit documentation. A WorkSafe BC letter submitted by the appellant, dated October 2022, confirms the loss of function permanent disability benefit award, effective December 2015. The letter states the benefit will continue until the age of at least 63, with cost-of-living adjustments.
- The ministry had determined the appellant eligible for disability assistance for February 2023 onwards and that the monthly permanent disability benefits must be deducted from his disability assistance as it is unearned income and not exempt.
- In the appellant’s request for reconsideration submission, he reports:
 - He has been injured for many years now, including many therapeutic sessions, and tried to work in the past.
 - He is now receiving the WorkSafe BC support of loss of wages as Loss of Function benefits.
 - He included the rationale that WorkSafe BC had used to determine his benefit rate and effective date, and note they chose the Loss of Function benefit rate over the Loss of Earnings, as it was greater.
 - The benefit supports him paying for treatments, medical needs, better food, and other needs and should not be deducted from his disability assistance.

- Since the decision to deduct it from his disability assistance, he has had to cancel many therapy appointments because he doesn't have money for it, and as a result has been suffering more inflammation and pain.
- He believes he should be able to keep the money because of his annual earnings exemption of \$15,000 per year as it is a wage loss benefit.
- The deduction is unjust and inhumane as he can't be expected to survive on the disability assistance he receives as a person with disabilities and should be changed if not now, then in the near future.

Evidence received after reconsideration.

Documentary

In the Notice of Appeal, the appellant writes "I am on PWD with the ministry of social development and WorkSafe BC is helping me with monthly loss of earnings due to the fact that I can not work much. I haven't been able to afford to pay for my medical needs to treat my pain injuries. The ministry should not be deducting what I am receiving from WorkSafe BC."

Also, in the Notice of Appeal, the appellant provided a copy of a typed three-page submission that had been included in the request for reconsideration and is summarised above.

The appellant submitted a report from a registered massage therapist. This report referred to the appellant's physical presentation throughout the fall of 2022, and concluded by saying the appellant's presentation led the massage therapist to believe that the increased computer time was producing these new physical issues, and that the appellant is definitely in need of continued physical therapy support to alleviate his daily pain.

Hearing

The hearing was held as a videoconference.

Appellant

At the hearing the appellant referred to his written submission and recounted his working life. He provided details on the number of times he has been involved in workplace accidents. These include vehicle accidents, falling scaffolding incidents and being pulled between a vehicle and a truck load when a chain snapped. The appellant also provided details on a dental root canal which caused subsequent problems with his neck and spine.

The appellant explained how this troubled work history is now affecting his life, to include the inability to work inside and outside of the home and an inability to complete several daily living activities. He has trouble sleeping, is exhausted and although he has come a long way, he is still troubled with chronic pain.

He can work from home for a limited period teaching yoga, meditation and breathing skills, and brings in a small amount of income monthly.

The appellant recounted his 8-year struggle with WorkSafe BC (WCB) on benefit entitlement and how he has recently had to withdraw from an online computer skills course being paid for by the WCB. This was due to the inability to spend much time in front of the computer screen due to increasing levels of pain.

The appellant states he has obtained the assistance of a workplace union representative in his dealings with the WCB. Following his withdrawal from the course, the WCB re-evaluated his medical situation and provided a letter advising he is now being granted a permanent partial disability benefit.

The appellant stated that as this monthly award is to replace income, he feels it should be treated as part of the annual \$15,000 allowance he is entitled to earn. It should not be taken off his monthly ministry disability.

In answer to questions from the ministry the appellant stated that he was not receiving any other payments from the WCB to pay for the treatments he needs, they had refused stating that the monthly payment included all purposes. He clarified that the money he receives is to support all his needs.

His family doctor has said he needs massage therapy every two weeks and chiropractic treatments. He stated that the massage therapy is \$141 per treatment visit, \$60 for chiropractic, \$70 for acupuncture so about \$600 per month.

The appellant answered that he is not aware if MSP would cover any of these treatments.

In answer to questions from the panel, the appellant stated the WCB is a wage loss benefit, that he is trying to get back to an increased amount of work, but he struggles due to the pain. He stated that there is no extra amount of payment from WCB, and that the payment is a permanent disability payment.

The appellant stated that he has not contacted the ministry to see what other health supplements, such as for food, or treatment may be available.

When asked if the appellant now pays for the treatments from the cash award, the appellant answered that since the ministry benefit has been reduced, he has not been able to schedule or pay for any treatments.

The appellant stated that he has not asked the WCB about why he only receives a 20% partial benefit related to his stated health concerns and limited ability to work, but now does have the ability to do so through the union representative and is still in communication with the WCB.

In response to ministry testimony, the appellant stated that he was aware of the legislation and had appealed the decision as it is as far as he can go. He added that he was aware of the availability of supplements but did not see anything about chiropractic or massage services, and he does not take medication by choice as he had bad experiences with it previously and it makes him weak.

Ministry

The ministry relied upon the reconsideration decision, as summarized at the hearing. At the hearing, the ministry stated that while chiropractic, massage and acupuncture may or may not be covered by the ministry there are some services that are certainly covered to some extent under the medical Services Plan (MSP).

The ministry stated that the permanent partial disability benefit being received from the WCB is treated as unearned income, and it must be automatically deducted from the appellant's ministry benefit.

Unearned income is different to earned income, which may vary month to month and is therefore considered as an annual allowance. Earned income must be considered monthly. The requirement to deduct the disability benefit from the ministry benefit is a legislated requirement and one where the ministry has no authority to make changes.

At questioning the ministry reiterated that the legislation contained in the regulations requires the WCB benefit to be deducted and that they have no wiggle room, authority or discretion to exempt WCB benefits.

When asked about the health supplements for a chiropractor and massage therapist that are available under the legislation, the ministry stated they couldn't see anything in the ministry policy about the payment or reimbursement of health and speciality services. It is something that could be explored with a ministry health specialist.

The ministry confirmed that the appellant can work to earn additional income to an amount of \$15 000 per year that would be exempt and not deducted. Further, as a person designated as persons with disability he may be eligible for an employment plan which may provide some pay for training.

The ministry advised the appellant to access the MyServe account and complete a service request for someone to contact his about these services.

Admissibility of new information

Section 22(4) of the EAA says that a panel may consider evidence that is not part of the record that the panel considers to be reasonably required for a full and fair disclosure of all matters related to the decision under appeal. Once a panel has determined which additional evidence, if any, is admitted under EAA Section 22(4), instead of asking whether the decision under appeal was reasonable at the time it was made, a panel must determine whether the decision under appeal was reasonable based on all admissible evidence.

In this case the appellant submitted a registered massage therapist report that discusses symptoms in the fall of 2022 and provides recommendations for ongoing treatment for the appellant. Both the appellant and ministry provided oral testimony.

The panel admits the new information under section 22(4) of the Employment and Assistance Act ("EAA") as evidence that is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

Findings of Fact

Reviewing the letter from the WCB the panel notes the statements from the Long Term Disability Services Officer that:

- the appellant is eligible for a permanent disability benefit,
- when a permanent partial disability results from a work injury, the assessment on amount is calculated using two methods, the loss of function method and the loss of earnings method, and
- the worker receives permanent disability benefits based on whichever amount is greater,

- the officer is deferring a decision on the appellant's retirement date until after the appellant reaches age 63, when a decision will be made on the duration of the disability benefits, and
- the benefit will be paid until at least the appellant turns 63.

The panel notes there is no disagreement between the ministry and the appellant that he is receiving a permanent disability benefit, and therefore finds the appellant to be in receipt of a permanent partial disability benefit from WorkSafe BC (WCB).

Part F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the ministry's decision that the monthly permanent disability benefits the appellant is receiving is not exempt and must be deducted from disability assistance. In particular, was the ministry's decision that monthly payments from WorkSafe BC is first, unearned income and secondly, is not eligible as either an exemption or a deduction for the purposes of calculating net income, supported by the evidence or a reasonable interpretation of the legislation in the circumstances of the appellant?

The relevant legislation is provided in Appendix A.

Appellant Position

The appellant argues that the disability benefit he is receiving from the WCB is a wage loss benefit and therefore he should be able to keep the money because of his annual earnings exemption of \$15,000 per year.

The appellant states in his submission that the rules and regulations should be malleable and changeable based on certain circumstances and situations and argues that his medical condition, inability to work and the challenge of living on the ministry payment within the city meets those circumstances.

The appellant also argues the ministry decision to deduct the amount of the disability benefit from his ministry payment is unjust and inhumane, as no-one can be expected to survive on the disability assistance you receive as a person with disabilities. Therefore, the appellant asks that the legislation be changed and asks the tribunal to do what it can to change the legislation and if not now, then soon.

Ministry Position

The ministry argues the WCB payment is a permanent disability and as such is unearned income for the purposes of calculating net income under the regulation. Further, although the appellant may be eligible for consideration of the annual exemption for "qualifying income" for monies he receives from other employment; this does not include an exemption for WCB permanent disability benefits.

The ministry also argues there are no other exemptions or deductions available to the appellant under the legislation and therefore the payment must be deducted from his monthly assistance.

Panel Decision

Within the legislation, in the definitions, Section 1 of the employment assistance for persons with disabilities regulation (the regulation) it defines that "unearned income" means any income that is not earned income, and includes, without limitation, money or value received from any of the following:

- (j) workers' compensation benefits and disability payments or pensions;

The WCB determination that the type of benefit be 'loss of function' vs 'loss of income', because of the amounts, is not contained within the legislated definition.

The panel has found the appellant to be in receipt of a permanent partial disability benefit from WorkSafe BC (WCB), and therefore finds this payment to be unearned income within the meaning of the legislation. The panel finds therefore the ministry was reasonable in its determination that the WCB payments are unearned income.

Amount of disability assistance

Section 24 of the regulation states that disability assistance may be provided 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.

The amount of disability assistance determined under schedule A and payable to the appellant on a monthly basis is not in dispute between the parties. What is in contention is the net income calculations.

Schedule B of the regulation lays out the way in which net income is calculated for the purposes of section 24 of the regulation and provides deduction and exemption rules. Section 1 (a) provides a list of exemptions. The panel notes that WCB disability benefits are not included within this list, and therefore the ministry was reasonable when it determined the payment was not exempt under this section of the legislation.

Section 1 (d) of schedule B states that all unearned income must be included, except the deductions permitted under section 6 and any income exempted under sections 3, 7 and 8.

Deductions from unearned income

Section 6 states that the only deductions permitted from unearned income are income tax deducted at source from employment insurance benefits, or essential operating costs of renting self-contained suites. Based on the evidence the panel finds the WCB disability payment is not one of these and is therefore not a permitted deduction under the legislation. The panel finds therefore the ministry was reasonable when it determined the payment was not a deduction under this section of the legislation.

Annual exemption — qualifying income

Section 3 of the regulation provides for the calculation of an annual exemption for income. Sub-section (1) provides a definition for “qualifying income”, which includes unearned income that is compensation paid under section 191 (temporary total disability), or section 192 (temporary partial disability), of the Workers Compensation Act.

The panel has found the WCB payment to be a permanent partial disability benefit, payable until at least age 63.

Based on the evidence the panel finds the benefit is not an exemption under the legislation and therefore the ministry was reasonable when it determined the WCB monthly payment is not a deduction under this section of the legislation.

Exemptions — unearned income

Section 7 of schedule B of the legislation provides for other exemptions for unearned income. It defines and refers to unearned income from;

- disability-related costs,
- disability-related cost to promote independence,
- intended registered disability savings plan or trust, and
- structured settlement annuity payments.

The exemptions are listed and include such items as;

- a portion of interest from a mortgage,
- Veterans Affairs Canada benefits
- criminal injury compensation award
- a payment made from a trust,
- a structured settlement annuity payment,
- money expended by a person from an intended registered disability savings plan or trust.

The panel finds the WCB permanent partial disability benefit is not listed as an exemption under this section of the legislation and therefore the ministry was reasonable when it determined the WCB payment was not an exemption under this section of the legislation.

Minister's discretion to exempt education related unearned income.

Section 8 (2) of schedule B of the regulation states that the minister may authorize an exemption for a student up to the sum of the student's education costs and day care costs for a period of study.

The panel notes that the appellant was conducting an online course, valued at \$11 000, provided and paid for by the WCB. However, the appellant has stated that due to pain he was unable to participate in the training and requested the benefits be discontinued and the training benefits were suspended effective December 11, 2022. Further the appellant has stated the only benefit he is currently receiving from the WCB is the permanent disability benefit.

As the appellant is not currently receiving student financial assistance from the WCB, the panel finds the minister does not have any discretion to exempt the unearned income under the legislation. The panel therefore finds the ministry was reasonable when it determined the WCB payment was not an exemption under this section of the legislation.

Ministry Discretion

The panel notes the appellant's argument that the ministry should be able to exercise discretion in his circumstances, and not to do so is unjust and inhumane, and expresses concern about the amount of the ministry disability benefit.

The panel wishes to note the honest and heartfelt candour with which the appellant allowed us to share his story and empathises with his current health challenges. The panel encourages the appellant to work with the ministry to determine whether there are any other resources available to the appellant.

The panel sees no evidence to suggest that the ministry is acting unfairly in its dealing with the circumstances of the appellant. The panel notes the ministry is charged with implementing the Act and the Regulations, which are created by the government.

Based on the language of the regulation within the sections described above, except for section 8 of schedule B (education related income), the panel finds the ministry does not have the authority or discretion in applying the legislation in the circumstances of the

appellant. For section 8 discussed above, any discretion afforded the ministry was shown to be denied as the benefit is not an education allowance.

Role of the Panel

The panel notes the statement by the appellant that the legislation be changed and his request that the tribunal to do what it can to change the legislation now, or soon.

The Employment and Assistance Appeal Tribunal is established under section 19 of the Employment and Assistance Act (EAA) to determine appeals of ministry reconsideration decisions. This panel was appointed by the chair of the tribunal to hear and review evidence and determine this appeal.

Section 24 of the EAA states that after holding the hearing, the panel must determine whether the decision being appealed is reasonably supported by the evidence, or a reasonable application of the legislation in the circumstances of the appellant.

The panel must then;

- (a) confirm the decision if the panel finds that the decision being appealed is reasonably supported by the evidence or is a reasonable application of the legislation, and
- (b) otherwise, rescind or overturn the decision.

The panel recognises the appellant's opinion that the legislation is unfair but confirms the comments made by the panel chair in the appeal preamble that it is not empowered by legislation to make changes to any enactment in the legislation.

Calculation of Net Income

As discussed earlier, section 24 of the regulation states that disability assistance may be provided 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.

After reviewing all the evidence in the circumstances of the appellant, the panel has found that the WCB payment does not qualify for any exemptions or deductions under the legislation. The panel finds therefore it must be included in the calculation of the appellant's net income under schedule B and deducted from the ministry disability assistance calculated under schedule A.

Summary

The panel found the WCB permanent partial disability benefit to be unearned income. It also found that the benefit is not permitted under legislation, as either an exemption or a deduction, and must be included as part of the appellant's net income calculation. The ministry was therefore reasonable in its decision that the amount must be deducted from the appellant's monthly disability assistance.

Conclusion

Based on all available evidence the panel finds that the ministry's reconsideration decision to be supported by the evidence and was a reasonable interpretation of the legislation in the circumstances of the appellant.

The ministry's reconsideration decision is confirmed. The appellant is not successful on appeal.

Appendix A

**EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES
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:

(j) workers' compensation benefits and disability payments or pensions;

Amount of disability assistance

24 Disability 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.

**Schedule A
Disability Assistance Rates**

Maximum amount of disability assistance before deduction of net income

1 (1) Subject to this section and sections 3 and 6 to 8 of this Schedule, the amount of disability assistance referred to in section 24 (a) [*amount of disability 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.

**Schedule B
Net Income Calculation**

Deduction and exemption rules

1 When calculating the net income of a family unit for the purposes of section 24 (b) [*amount of disability assistance*] of this regulation,

(d)all unearned income must be included, except the deductions permitted under section 6 and any income exempted under sections 3, 7 and 8.

Annual exemption — qualifying income

3 (1)In this section:

"base amount" means

- (a)\$1 250, in the case of a family unit that includes only one recipient,
- (b)\$1 500, in the case of a family unit that includes two recipients, only one of whom is designated as a person with disabilities, and
- (c)\$2 500, in the case of a family unit that includes two recipients who are designated as persons with disabilities;

"qualifying income" means

- (a)earned income, except the deductions permitted under section 2, and
- (b)unearned income that is compensation paid under section 191 [*temporary total disability*] or 192 [*temporary partial disability*] of the *Workers Compensation Act*;

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:

"disability-related cost" means a disability-related cost referred to in paragraph (a), (b), (c) or (e) of the definition of disability-related cost in section 12 (1) [*assets held in trust for person with disabilities*] of this regulation;

"disability-related cost to promote independence" means a disability-related cost referred to in paragraph (d) of the definition of disability-related cost in section 12 (1) of this regulation;

"intended registered disability savings plan or trust", in relation to a person referred to in section 12.1 (2) [*temporary exemption of assets for person with disabilities or person receiving special care*] of this regulation, means an asset, received by the person, to which the exemption under that section applies;

"structured settlement annuity payment" means a payment referred to in subsection (2) (b) (iii) made under the annuity contract referred to in that subsection.

(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 Veterans Affairs Canada 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 10 [*asset limits*] of this regulation;
- (d) a payment made from a trust to or on behalf of a person referred to in section 12 (1) [*assets held in trust for person with disabilities*] 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 12 (1) 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 12.1 (2) [*temporary exemption of assets for person with disabilities or person 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 12 (1) of this regulation;

- (ii) a structured settlement annuity payment that, subject to subsection (2), is made to a person referred to in section 12 (1) of this regulation;
- (iii) money expended by a person referred to in section 12.1 (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.

Minister's discretion to exempt education related unearned income

8 (1) In this section:

"**education costs**", in relation to a student and a program of studies, means the costs, including the costs of tuition, student fees, books, equipment, supplies and transportation, that, in the opinion of the minister, are reasonably required for the student to participate in the program of studies.

(2) The minister may authorize an exemption for a student up to the sum of the student's education costs and day care costs, for a period of study, from the total amount of student financial assistance received by the student for the period of study.

EMPLOYMENT AND ASSISTANCE ACT

Part 3 — Appeals

Employment and Assistance Appeal Tribunal

19 (1) The Employment and Assistance Appeal Tribunal is established to determine appeals of decisions that are appealable under

- (a) section 17 (3) [*reconsideration and appeal rights*] of this Act,
- (b) section 16 (3) [*reconsideration and appeal rights*] of the *Employment and Assistance for Persons with Disabilities Act*, and
- (c) section 6 (3) [*reconsideration and appeal rights*] of the *Child Care Subsidy Act*.

Decision of panel

24 (1) After holding the hearing required under section 22 (3) [*panels of the tribunal to conduct appeals*], the panel must determine whether the decision being appealed is, as applicable,

- (a) reasonably supported by the evidence, or
- (b) a reasonable application of the applicable enactment in the circumstances of the person appealing the decision.

(2) For a decision referred to in subsection (1), the panel must

(a) confirm the decision if the panel finds that the decision being appealed is reasonably supported by the evidence or is a reasonable application of the applicable enactment in the circumstances of the person appealing the decision, and

(b) otherwise, rescind the decision, and if the decision of the tribunal cannot be implemented without a further decision as to amount, refer the further decision back to the minister.

(3) The panel must provide written reasons for its decision under subsection (2).

(4) Notice of the decision and reasons of the panel must be given in accordance with the regulations.

(5) The decision of a majority of the members of a panel is the decision of the tribunal, but the decision of the chair of the panel governs in the case of a tie.

(6) The tribunal has exclusive jurisdiction to inquire into, hear and determine all those matters and questions of fact, law and discretion arising or required to be determined in an appeal under section 19 and to make any order permitted to be made.

(7) A decision or order of the tribunal under this Act on a matter in respect of which the tribunal has exclusive jurisdiction is final and conclusive and is not open to question or review in any court.

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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

Donald Stedeford

Signature of Chair

Date (Year/Month/Day)

2023/05/16

Print Name

Susanne Dahlin

Signature of Member

Date (Year/Month/Day)

2023/05/17

Print Name

Margarita Papenbrock

Signature of Member

Date (Year/Month/Day)

2023/05/16