

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision (decision) dated May 24, 2023, which determined the appellant was not eligible for income assistance because she is a full-time student in a funded program of studies.

Part D – Relevant Legislation

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 has an open income assistance file.
- On her monthly report (dated December 30, 2022) the appellant reported that she was attending college from January 3 to August 25 in the Health Unit Coordinator Program.
- The ministry attempted to contact the appellant on several occasions, without success, to advise her that she must submit documents to have her eligibility assessed.
- On March 24, 2023 the ministry received information from a Student Financial Assistance System indicating that the appellant is enrolled in a one-year Health Sciences Nursing Unit Clerk Program - classes beginning on January 3, 2023 and ending on August 18, 2023, with a 100% course load.
- On April 8, 2023 the appellant submitted:
 - A letter from the college dated December 6, 2022, indicating she had been accepted into the Health Unit Coordinator Program (January 3 to August 25, 2023).
 - A Notification of Assessment dated February 24, 2023, from Student Aid BC.
- The ministry advised the appellant of her ineligibility for income assistance.
- On May 5, 2023 she submitted her Request for Reconsideration and a letter from her counsellor at the Housing Recovery Society.

Request for Reconsideration (May 3, 2023) - summary

The appellant states she has been living in a recovery facility for the past 14 months. She has struggled with addiction for 15 years and since coming to the facility has been able to abstain from drugs and alcohol with the support of the programming staff, counsellor and other residents. She states she has slowly started to regain her life including rebuilding her relationship with her daughter who has been in the care of her parents for the last four years. She knew that to get her daughter back she would need to start working. As the appellant felt it was important to get an education she explored her options. She set her sights on school and set up a meeting with an organization that assists with finding employment. After several meetings it was decided that this organization would not be able to fund her program.

The appellant was eager to get into school as soon as possible as it meant she could be working and provide for her daughter. In December, she stated on her monthly

report that she would be going to school but didn't realize she had to submit documents. She assumed she would be notified if there was an issue with attending school.

The appellant states that attending school is imperative to her success as it provides her with the support she needs to remain clean and sober without assistance. She adds that she is unable to pay her rent and is willing to do whatever it takes to have this decision reconsidered.

Letter – To Whom It May Concern, from the Housing Recovery Society (May 16, 2022)

The letter is written by the appellant's counsellor and case manager. They describe the available supportive programming and state that the appellant's best chance at success is to continue with her recovery plan. They state further that a financial crisis in early recovery puts people at a high risk for relapse.

Letter to the Appellant from the Ministry (April 14, 2023)

The letter states the appellant is no longer eligible for assistance because she did not notify the ministry that she is attending full-time post-secondary educational courses from January 3 to August 25, 2023. While attending school full-time, she is not eligible for assistance. As well, the letter states the appellant did not declare her income, received to attend school.

Notification of Assessment from Student Aid BC (February 24, 2023)

Start Date: January 3, 2023

End date: August 18, 2023

To: Appellant

School – Name of College

Program – Nursing Unit Clerk

The notification states the appellant is eligible to receive \$7,313 and advises her that her funding has been and/or will be made available on or after the following date(s):

Date	Type of Funding	Amount
February 23, 2023	Grant - BC Access	\$2,000
February 23, 2023	Canada Student Loan	\$3,313
April 27, 2023	Grant - BC Access	\$2,000

Federal/Provincial Financial Need Assessment			
	Federal	Provincial	"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."
Assessed Education Costs	\$18,305	\$18,305	
Assessed Financial Resources	\$2,971	\$2,971	
Assessed Financial need	\$15,334	\$15,334	
Funding through Student Aid BC	(\$7,313)		
Unmet Need	\$8,021	\$8,021	

Loans authorized to date is shown as \$0.

Monthly Report signed December 30, 2022 by the Appellant

Following are the questions on the report and the appellant's responses.

Are you attending /enrolled in school or training? – yes

Attending school January 3 – August 25, Program: Health Unit Coordinator

Applicant Telephone – phone number was included

Email from the College to the Appellant (December 6, 2022)

The email informed the appellant of her conditional acceptance into the Health Unit Coordinator Program from January 3 to August 25, 2023.

Additional Information

Appellant

Notice of Appeal (June 6, 2023)

The appellant stated she has been put in a position where her recovery is in jeopardy and she won't have a roof over her head as she has no income and is only trying to better her life.

At the hearing, the appellant stated she notified the ministry in December 2022 that she was going to school but didn't get a response until April 2023. She also stated that the statement the ministry made, that it couldn't get a hold of her, is invalid. She has not changed her cell phone number and included it on her monthly report. The phone number

the ministry was using belongs to a landline at the home where she was staying and is rarely answered. The appellant also stated that the phone number on her file was changed without her knowledge. She added that there was no malicious intent on her part to mislead the ministry. The appellant confirmed she is attending school five days/week, Monday to Friday. She attends classes both on campus and through Zoom.

Ministry

At the hearing, the ministry stated that it generally doesn't approve educational programs. However, there are programs through Work BC that recipients may be eligible for, but the arrangements would need to be made ahead of starting school. When asked whether or not there was any leeway for WorkBC to backdate the appellant's situation, the ministry stated there may have been some leeway last December; however, at this time it was too late as the course is almost finished. The ministry added that it's hard to say if March would have been too late. As well, the ministry stated that it does not believe the appellant had any malicious intent.

Admissibility

The panel determined 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 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, did the ministry reasonably conclude the appellant was not eligible for income assistance because she is a full-time student in a funded program of studies?

Appellant Position

The appellant argues attending school means she can be working and able to provide for her daughter. She also argues that attending school is imperative to her success as it provides her with the support she needs to remain clean and sober without assistance. In addition, the appellant argues that she notified the ministry in December 2022 that she was going to school but didn't get a response until April 2023. She also argues that the statement the ministry made that it couldn't get a hold of her is invalid. She has not changed her cell phone number and included it on her monthly report.

Ministry Position

The ministry argues the appellant is a full-time student and the Student Financial Assistance System check conducted by the ministry indicates the appellant is enrolled in a 100% course load for her program. Furthermore, the ministry argues a review of the college website for the Health Unit Coordinator Program indicates that this is a full-time certificate program.

As the Notification of Assessment from Student Aid BC confirms that the appellant is approved to receive \$7,313 in student loans (BC Access Grants and Canada Student Loans) for the program in which the appellant is currently enrolled, the ministry is satisfied that the appellant is enrolled in a funded program of studies.

Therefore, the ministry argues as the appellant is a full-time student in a funded program of studies she is not eligible for income assistance in accordance with Section 16 of the Regulation. The period of ineligibility starts on February 1, 2023 (first day of the month after classes start) and lasts until the last day of the month in which exams occur. The ministry argues that legislation does not allow for discretion in this matter.

Panel Analysis

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% of a course load - recognized by the designated educational institution as a full course load.

The panel notes ministry records state the Student Financial Assistance System stated that the appellant has a 100% course load in her program. At the hearing, the appellant confirmed that the course is full-time. This is not in dispute.

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 \$3,313 and so 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)(a) 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 program of studies are held.

The panel notes the appellant stated on her monthly report that she was attending school from January 3 to August 25. As well, the Notification of Assessment show a start date for the program, the appellant is attending, as January 3, 2023 with an end date of August 18, 2023.

The panel finds the appellant is presently a full-time student in a funded program of studies from January 3, 2023 until the last day of the month in which exams are held (August 2023) Therefore, the panel finds the ministry reasonably concluded that the appellant is not eligible for income assistance in accordance with section 16 of the Regulation.

Although the panel determined the ministry reasonably applied the legislation, the panel notes the ministry had opportunity to assess the appellant's eligibility before she started school as it was provided with the information and an accessible phone number in December 2022. The panel also notes there is nothing in the monthly report indicating that an income assistance recipient who intends to enroll in full time studies would become ineligible for income assistance unless they have obtained prior approval.

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 in a funded program of studies, was reasonably supported by the evidence.

The appellant is not successful on appeal.

Schedule of Legislation

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

Interpretation

2 (1) In the Act and these Regulations,

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 designated 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 5(1) or 7(1) or section 33, as the case may be; (*étudiant à temps plein*)

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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

Connie Simonsen

Signature of Chair

Date (Year/Month/Day)

2023/07/19

Print Name

Peter Mennie

Signature of Member

Date (Year/Month/Day)

2023/07/19

Print Name

Mimi Chang

Signature of Member

Date (Year/Month/Day)

2023/07/19