

**Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision dated December 19, 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

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

**Part E – Summary of Facts****Summary of Relevant Evidence****Ministry records show:**

- The appellant has an open income assistance case.
- On October 1, 2023 the appellant submitted a monthly report for December 2023 and declared that she is enrolled in school but has not received funding.
- On November 8, 2023 the ministry requested further information related to the schooling.
- On November 15, 2023 the appellant advised the ministry that she started the medical office administration/health unit clerk course with a college - a one-year program from October 2023 to November 2024.
- On November 16, 2023 the appellant submitted a Notification of Assessment from Student Aid BC (dated Sept 1, 2023).
- On November 22, 2023 the ministry determined the appellant was ineligible for income assistance.

**Request for Reconsideration (December 2, 2023) - summary**

The appellant states she worked as a nurse from 1996 to 2018 but had difficulty due to a mental health breakdown. Her disability benefits (through work) ran out and she tried to return; however, this only lasted a few months due to mental and physical difficulties. She sold her home and lived off the proceeds and has been receiving social assistance due to her difficulties finding suitable work. She adds that she applied for Persons with Disabilities designation but was denied.

The appellant also states that last summer she found a course in the medical field, has since completed two months of this course and is doing well. The course is a one-year program, four hours/day, five days/week, online. As the delivery method is online she doesn't have to travel, thus saving money. The college allowed her to start the course before she received student funding; however, she had to submit more pre-requisites before the loan could be put through - which she has since submitted. She states, as her loan assessment shows, she will only receive the exact amount for schooling and supplies.

In addition, the appellant states the likelihood of gaining employment in her field of study is very high when she finishes and so it would be a shame if she had to quit school at this point. She didn't know she had to get prior approval and was under the impression that social assistance would help her pay for schooling and encourage her. The appellant states she realizes she should have investigated this further before enrolling.

**Monthly Report (November 1, 2023) - signed by the appellant**

The appellant provided the following responses to the questions below.

*Are you attending/enrolled in school or training? - yes*

*Are you looking for work? - yes*

**Notification of Assessment from Student Aid BC (September 1, 2023)**

Start Date: October 9, 2023

End date: June 21, 2024

Program - Medical Office Assistant

The notification states the appellant is eligible to receive \$12,569 in funding, which has been or will be available on or after the following dates:

Date	Type of Funding	Amount
October 9, 2023	British Columbia Student Loan	\$1,106
October 9, 2023	Canada Student Loan Grant - full time	\$2,362
October 9, 2023	Canada Student Loan	\$2,816
February 14, 2024	British Columbia Student Loan	\$3,922
February 14, 2024	Canada Student Grant - full time	\$2,363

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	
<b>Assessed Education Costs</b>	\$18,692	\$18,692	
<b>Assessed Financial Resources</b>	\$1,500	\$1,500	
<b>Assessed Financial need</b>	\$17,192	\$17,192	
<b>Funding through Student Aid BC</b>	(\$12,569)		
<b>Unmet Need</b>	\$4,623	\$4,623	

Loans issued to date shown as \$4,207.

<b>Calculation of Federal and Provincial Need Assessment</b>					
<b>Assessed Costs</b>	<b>Federal</b>	<b>Provincial</b>	<b>Assessed Financial Resources</b>	<b>Federal</b>	<b>Provincial</b>
Tuition/books	\$9,771	\$9,771	Assessed student contribution	\$1,500	\$1,500
Books/supplies	\$1,901	\$1,901	Assessed spouse contribution	\$0	\$0
Living allowance	\$7,020	\$7,020	Assessed parental contribution	\$0	\$0
Exceptional educational costs	\$0	\$0			
Transfer costs	\$0	\$0			
Return transportation costs	\$0	\$0			
Childcare costs	\$0	\$0			
Additional transport	\$0	\$0			
Alimony/child support	\$0	\$0			
Separate residence allowance	\$0	\$0			
Spouse student loan payments	\$0	\$0			
Discretionary costs	\$0	\$0			
<b>Total Assessed Costs</b>	<b>\$18,692</b>	<b>\$18,692</b>	<b>Total Assessed Financial Resources</b>	<b>\$1,500</b>	<b>\$1,500</b>

**Notice of Appeal (December 27, 2023) - summary**

The appellant stated she really needs to finish this course. It's three and a half hours/day, five days/week. The loan didn't provide her with funding to live, it's strictly for tuition and books.

At the hearing, the appellant reiterated that she should have investigated further before starting school. Further she stated that she received conflicting information and advice. She clarified that she attends school online from 8:30 – 12:00 or 12:30 (if there is a break) and has at least three hours of homework, five days/week. She didn't know that her program was considered full time.

She stated that the course runs until October/November 2024. The Notification of Assessment shows the end date as June 2024 because she needs to apply for each half year separately. She hasn't yet applied for the second half.

At the hearing, the ministry reviewed the legislation that found the appellant ineligible for income assistance while attending school. The ministry added that in order to receive income assistance while attending school, an Employment Plan, approved by the ministry prior to the appellant enrolling in a course, needed to be in place.

The ministry also pointed out that although the appellant stated she only received funding for tuition and books, the Notification of Assessment shows over \$7,000 in living allowance was provided.

The panel determined no additional information was provided at the hearing.

**Part F – Reasons for Panel Decision****Issue on Appeal**

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 determine the appellant was not eligible for income assistance because she is a full-time student in a funded program of studies.

Appellant's Position

The appellant argues she didn't know she had to get prior approval and was under the impression that the ministry would help her pay for schooling and encourage her. She adds that the likelihood of gaining employment in her field of study is very high when she finishes and so it would be a shame if she had to quit school at this point.

Ministry's Position

The ministry argues that a review of information on the college website confirms that the program the appellant is attending is considered a full-time program, as defined by the educational institution. Therefore, the ministry is satisfied that the appellant is a full-time student and as the Notification of Assessment establishes that the appellant is eligible to receive student financial assistance to attend her program, the ministry is satisfied that she is enrolled in a funded program of studies. The ministry also argues that 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 lasts from November 1, 2023 (first day of the month after classes start) until the last day of the month in which exams occur.

**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 the Notification of Assessment shows the Canada Student Grant as full-time. As well, the panel notes, the appellant stated she attends school online three and a half or four hours/day, and has at least three hours of homework, five days a week. As

well, a review of information on the college website by the ministry confirmed that the program the appellant is attending is considered a full-time program. Therefore, the panel finds the appellant is considered to be 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 Notification of Assessment shows two Canada Student Grants in the amounts of \$2,362 and \$2,363. Therefore, the panel finds funding was provided to the appellant under the *Canada Student Financial Assistance Act*.

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 program of studies are held.

The panel notes the Notification of Assessment shows the start date of the program as October 9, 2023 and that the appellant stated the course will end October/November 2024.

Therefore, the panel finds the appellant is not eligible for income assistance, from November 1, 2023 (the first day of the month following the month in which classes commence) until the last day of the month in which exams are held, as per section 16 of the Regulation.

The panel finds the ministry reasonably determined the appellant is a full-time student in a funded program of studies as per section 1 of the Regulation and therefore she is not eligible for income assistance from November 1, 2023 until the last day of the month in which exams are held, as per section 16 of the Regulation.

The appellant argues that she didn't know she had to get prior approval. Although the panel acknowledges the appellant's difficult situation, the panel is bound by the legislation, as is the ministry.

## **Conclusion**

In conclusion, the panel finds the ministry decision that determined the appellant is not eligible for income assistance because she is a full-time student in a funded program of studies, is reasonably supported by the evidence. The decision is confirmed.

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)

2024/01/20

Print Name

Kim Louie

Signature of Member

Date (Year/Month/Day)

2024/01/20

Print Name

Dawn Wattie

Signature of Member

Date (Year/Month/Day)

2024/01/20