

**Reasons for Decision:**

**Order # AP1516-0084**

The appellant filed an appeal that the appellant's income assistance benefits were suspended as of <date removed>. (The file has subsequently been closed, but it was confirmed at the hearing that the case closure was not at issue in this appeal.)

The Department stated at the hearing that two issues requiring information from the appellant were occurring concurrently. The first issue was that the appellant's file was being transferred to a new office, and as part of this process the case worker was required to ensure that all information on the file was accurate and up to date. At the same time the Employment and Income Assistance Program had received a third party complaint that the appellant was living in a common-law relationship and earning money under the table by <reference removed>.

The caseworker set up a meeting with the appellant originally in early <date removed> to update the file for the file transfer. When the appellant arrived for the meeting, the investigator also indicated that he wanted to talk to the appellant. The appellant did not like that the Department had not been up front with the appellant about the purpose of the meeting, and the appellant left without doing the file update. The worker then put the appellant's <reference removed> benefits on hold and advised the appellant by letter on <date removed> that in order to have the appellant's benefits released the appellant would need to come into the office to discuss the appellant's file transfer. The letter makes no mention about meeting with the investigator to discuss the third party allegations.

When the appellant attended a meeting on <date removed> the appellant met with the supervisor and the investigator. They advised the appellant that the reason for the meeting was to discuss the appellant's income, property/assets, and common-law status. In addition to the third party allegation, the Department has also obtained Facebook page print outs which had raised questions about vehicle ownership, undeclared self-employment income, and a common-law relationship. It is the Department's position that the appellant refused to answer any questions about owning vehicles, owning a business, and common-law status due to freedom of information and privacy. It is the appellant's position that the appellant answered all questions to the best of the appellant's ability, but the appellant would not provide the names of any third parties without their permission. Neither party reported that any discussion regarding information needed to update the file for transfer was discussed at this meeting.

The appellant sought the assistance of an advocate, and subsequently filed an appeal. With the help of an advocate, correspondence was sent back and forth trying to answer the Department's questions and re-establish the appellant's financial

eligibility. The appellant's advocate repeatedly requested health services coverage and emergency food while these issues were sorted out. Although not all the Department's questions regarding past eligibility were sorted out, the appellant's current vehicle ownership, and income from advertisements and postings appear to have been resolved as of <date removed>. However the Department still believed the appellant had an adult partner living with the appellant, and required bank account information as the appellant had consistently advised the program the appellant did not have a bank account. There is no mention in any of the correspondence that information for the file transfer was also needed before any benefits would be released for the appellant. The advocate advised the program on <date removed> that the appellant will be obtaining the bank statements. The advocate also forwarded information regarding the appellant's rent arrears on <date removed>. There was no further contact between the two parties until <date removed>. At this time the program advised that they would be closing the appellant's file as they were unable to determine financial eligibility.

The advocate forwarded the appellant's bank statements from <dates removed> with a note stating that the appellant is willing to accept that an overpayment may be assessed for unexplained deposits as the appellant does not have a detailed explanation as to their source. There was an explanation of some of the deposits. The Department did not respond as the appellant's income assistance file had been closed and the advocate had been advised the appellant would need to reapply if the appellant required further benefits.

At the hearing the Department also stated that even if all the Department's concerns regarding financial eligibility had been alleviated, the suspension would still have remained active until the information required for the file transfer had been completed. It is the appellant's position that the appellant should have been entitled to receive benefits from the Department while the investigation was being conducted, and that the appellant was fully cooperative with providing the information needed to complete the file transfer.

After carefully considering all the written and verbal information the Board has determined that the Employment and Income Assistance Program did have sufficient reasons for suspending the appellant's income assistance budget. The program has evidence that the appellant was advertising to do <reference removed>. The appellant had not declared that the appellant was self-employed to the Department and had not declared any funds from this business. The responses from the appellant and the appellant's advocate were not sufficient to establish financial eligibility. On <date removed> the advocate advises the Department that the appellant had not earned any funds from <reference removed> since the appellant came on assistance. However, the program had evidence which contradicted this statement. The program had accessed information on the web that showed the appellant was currently advertising for <reference removed>. Later responses from the appellant and the advocate also revealed that the appellant had further undeclared funds of approximately <amount removed> from a labour dispute settlement, and it was also revealed that the appellant

had bank accounts which the appellant had not disclosed to the Department. The Board finds that with this information, it was reasonable for the program to withhold the appellant's income assistance benefits until the appellant produced copies of bank records. Therefore the decision of the Director has been confirmed.

There were numerous treatment issues raised at the hearing, which are outside of the Board's jurisdiction.

## **DISCLAIMER**

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