

Reasons for Decision:

Order # AP1516-0358

The appellant appealed that the appellant's income assistance was cancelled.

The appellant was approved by the Employment and Income Assistance Program to attend high school full time for the <dates removed> academic years. It was expected that the appellant would graduate in <date removed>. The appellant did not have all of the essential courses needed to graduate in <date removed>. Therefore the worker approved the appellant for one additional year of high school so the appellant could get the <reference removed> credit needed to graduate. The worker made an exception to their policy at this time as the appellant was only attending school on a part-time basis (2 credits) and normally they will only approve a person to attend high school on a full time basis.

In the first semester of the <year removed> academic year, the appellant failed the <reference removed> course. The appellant took the course again in the second semester and failed it again. Therefore at the end of <year removed> the appellant still did not have the credits needed to graduate high school. The appellant enrolled in a summer session course to complete this <reference removed> credit in <date removed>. The worker deferred work expectations for one month so the appellant could complete this course. The appellant was advised that the appellant needed to look for work once this course was finished.

The worker met with the appellant on <date removed>. At this time the appellant informed the worker that the appellant had failed <reference removed> course again in <date removed> and therefore the appellant had enrolled again in high school at the <reference removed>. At this time the appellant also informed the worker that the appellant had been hired full time at <reference removed> at the end of <date removed> but the appellant had to quit the job in order to go back to school.

The worker advised the appellant that the appellant had not been approved to continue at high school, and quitting a job which could have supported the appellant was a reason for cancelling the appellant's income assistance benefits. A letter was provided dated <date removed> advising that the appellant's income assistance was cancelled for not meeting work expectations.

It was the position of the appellant and the appellant's advocate that the appellant should have been approved to attend school in <date removed> so that the appellant could obtain the final credit to graduate from high school. It was also their argument that the appellant had just cause for quitting the appellant's employment as it interfered with the appellant's ability to attend classes and obtain the last credit needed to graduate.

The advocate stated that the appellant has been working very hard to graduate, and had made a tremendous amount of progress since the appellant arrived in Canada in <date removed> with little to no English. The appellant was able to move from grade 7 to 12 in three years, but the final <reference removed> course is difficult. The advocate stated that all absences from class were for legitimate medical reasons as the appellant has a <reference removed> that requires the appellant to have numerous medical appointments. The appellant and the appellant's advocate stated that the appellant did advise the employer that the appellant started school and could not continue to work from 1:00-9:00 as class was from 2:10 - to 3:15 each day. The appellant also provided verification that the appellant was attending the <reference removed> on a daily basis.

After carefully considering the written and verbal information the Board has determined that the Department had sufficient rationale to cancel the appellant's income assistance benefits. The appellant did not have approval to attend high school in the <date removed> academic year. The Board does not have the authority to review personal job plans, or whether or not work expectations apply, but the Board notes that the Employment and Income Assistance manual does state that educational costs are only provided when satisfactory progress standards are met. As the program had approved the appellant to take the same <reference removed> credit three times, the Board agrees that the appellant was not making satisfactory progress in an attempt to complete this final course necessary to graduate from grade 12.

The appellant was subject to work expectations. The appellant could still attempt to finish grade 12, as long as the appellant was still meeting work expectations. The goal of work expectations is to find employment sufficient to meet a person's basic needs, and no longer be reliant on income assistance. The appellant found full time employment and therefore no longer needed income assistance funds; the appellant had the ability to provide for the appellant's own needs. Under Section 10(1) of The Manitoba Assistance Regulation:

(a) applicant or recipient and the spouse or common-law partner of an applicant or recipient under section 5.1 of the Act; has an obligation to satisfy the director that (e) he or she has not terminated employment or engaged in a course of conduct that caused or provoked the termination of employment that he or she might reasonably have held

The Board therefore has determined that because the appellant quit employment which the appellant could have reasonably held, the Director had sufficient reason to cancel the appellant's income assistance benefits. Therefore the decision of the director is confirmed.

DISCLAIMER

These are electronic copies of the Reasons for Decision issued by the Social Services Appeal Board. These written reasons have been edited to protect the personal information of individuals by removing personal identifiers.