

Reasons for Decision:

Order # AP1516-0390

The appellant appealed that the appellant's income assistance application was denied due to excess assets.

The appellant reported that the appellant's age is <reference removed> years of age and had to leave employment because of poor health. When the appellant applied for assistance the appellant declared <amount removed>.

The LIRA account is a result of a settlement from an ex-spouse's pension. The appellant advised that due to an inability to work since <date removed> it has created a financial hardship and the appellant is relying on these funds for retirement as it is unlikely the appellant will be able to return to the work force.

The Department reported that the appellant applied for income assistance on <date removed>. It was established that the appellant's income was in excess of the program requirements due to having total assets of <amount removed>. After the Department allowed the liquid asset exemption of \$4,000, the appellant was still in excess income. The Department confirmed with the appellant's bank that both accounts have a financial hardship clause that allows access to the funds with a penalty. The appellant was notified by phone and a letter dated <date removed> advising that due to the appellant's ability to access these funds the appellant was not eligible until such time that the appellant's funds are at \$4,000. While preparing the appeal report, the worker became aware of a directive that may impact the allowable liquid assets depending on their source. The worker requested further information from the appellant's bank on the exact source of the appellant's savings and investments. As of this date, no new information has been provided to the Department from the bank.

After carefully considering the written and verbal information, the Board has determined that the Department has erred in closing the appellant's income assistance file effective <date removed>. The Department was not aware at the time of application in <date removed> that there was a directive that funds from certain sources can't be considered as accessible income. The worker stated that if they had been aware of this directive at the time of the appellant's application, they would have investigated further in determining eligibility. The Board finds that if the Department had that information at the time, the file wouldn't have been closed and the Department would have requested the appellant to provide further verification of the appellant's assets. Therefore, the Board has rescinded the decision of the Director and orders the Department to re-enrol the appellant effective <date removed> to determine financial eligibility based on further investigation of the appellant's assets.

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