

Reasons for Decision:

Order # AP1617-0632

The appellant appealed that the program applied an overpayment to the appellant's file in the amount of <amount removed>.

The program representatives stated that an investigation had been completed on another income assistance file where it stated that the appellant's child was living with a grandparent. As the appellant receives benefits as a two person household the appellant would only be entitled to a one person budget. The program met with the appellant on <date removed>. When questioned about the dates the appellant's child was with the appellant's parent, the appellant stated from <date removed> until the middle of <date removed>. A letter was sent to the appellant on <date removed> advising that the overpayment is for rent and basic needs that were issued from <period of time removed> for the appellant's child who was not in the appellant's care during those times. The program is recovering the overpayment at the 2 person household rate of \$70.00 per month beginning <date removed>. The program advised the appellant that they would be able to adjust the overpayment amount if a letter from the appellant's parent was received outlining the exact dates the grandparent had the grandchild. This requested information had not been submitted prior to the hearing.

The appellant has one child that resides with the appellant full time. The appellant advised that the appellant's parent was looking after the appellant's child from <dates removed>. The appellant brought a signed declaration from the appellant's parent confirming those dates to the hearing, which was submitted into evidence with no objection from the program representatives. The appellant advised that the appellant was confused when the program questioned the appellant about the dates the appellant's child was with the appellant's parent and made a mistake.

After carefully considering the written and verbal information the Board has determined that the times the appellant's child spent with the appellant's parent, was inconsistent and unplanned. When the appellant received the funds to support the child on a full time basis, the appellant did so with the expectation that the appellant was the sole caregiver of this child. The appellant's child was in the care of a grandparent from <period of time removed>. On both these occasions, the child was with the appellant on the first of each month and the appellant should have been entitled to benefits as a two person household. The appellant admitted to making a mistake on the dates and brought the requested letter from the appellant's parent confirming the time periods the appellant's child was with the grandparent. Therefore the Board has rescinded the Director's decision and orders the program to remove the <amount removed> overpayment and reimburse any overpayment deduction made to date.

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