

Reasons for Decision:

Order #AP1718-0247

The appellant appealed that an overpayment of <amount removed> was assessed against the appellant, that the entire amount of <text removed> benefit is deducted from monthly benefits, and that the recovery rate of <amount removed> per month is causing a hardship.

The Employment and Income Assistance Program was aware that the appellant would be applying for <text removed> benefits, and had the appellant sign an Assignment of Benefits form so that any benefits received for the same period when the appellant received income assistance benefits would be sent directly to the Employment and Income Assistance Program. The appellant advised the worker on <date removed> that the appellant had been approved for <text removed> benefits, but did not provide any information about when the appellant would get a first payment or what the monthly payment amount would be. The Program later received a report from the <text removed> program indicating that the appellant had received <amount removed> gross, <amount removed> net in the months of <text removed>. The Department determined that these amounts should have been declared and been deducted from the appellant's entitlement to <text removed> income assistance benefits. Therefore, an overpayment in the amount of <text removed> was assessed against the appellant's income assistance file. Effective the <month removed> benefit month, the program has made a deduction of <amount removed> for unearned income earnings, plus an additional <amount removed> to recover the overpayment amount.

The appellant stated at the hearing that when the appellant signed the assignment of benefits, the appellant understood that Employment and Income Assistance would take <text removed> benefits from the appellant. When the <text removed> benefits were deposited into the bank account, the appellant let them sit there for a long time, because the appellant was expecting EIA was going to take them back from the appellant. The appellant feels that a portion of <text removed> benefits should be exempted as the appellant earned these benefits while the appellant was employed and the appellant was under the belief that the appellant could get <amount removed> per month of the appellant's earnings exempted. The appellant indicated the appellant is having a really hard time managing on such a low amount of funds each month. The appellant would like to go back to work, but the appellant is only capable of doing sedentary employment. If the appellant could get help with the <amount removed> the appellant needs to pay for a driver's license, the appellant would be able to work in hydraulics, or as a taxi driver.

After carefully considering the written and verbal information the Board has determined that the appellant's income assistance file has been administered in accordance with The Manitoba Regulation. The Assignment of benefits would have recovered only any

income assistance benefits that had been paid to the appellant for <text removed> benefits paid retroactively from the date that the appellant's application for <text removed> benefits was processed. The appellant's current entitlements to <text removed> as of the processing date are paid to the appellant and must be reported to the Employment and Income assistance Program. The EIA program would never take money out of a person's bank account. The Manitoba Assistance Regulation allows for a work incentive exemption on funds that are classified as earnings, but does not allow an exemption on pension funds, even when they have been derived from previous earned income. The decision of the Director on these issues has therefore been confirmed.

The Board has not reviewed the recovery rate as the appellant has not made a request to the program to have it reduced. If the appellant is finding that the \$50 per month recovery is causing the appellant a hardship, the appellant may make a request in writing to have the recovery rate reduced. The worker will submit this request to the supervisor for review. If the supervisor makes a decision to deny this request, the appellant may file a new appeal on this issue.

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