

Reasons for Decision:

Order #AP1819-0642

On <date removed>, <name removed> filed an appeal of decision of the Director, Interlake to close their file. The decision was communicated on or about <date removed>.

At the hearing, the Department referenced the written report submitted as evidence. The Department stated the appellant received a retroactive payment for Canada Pension Plan - Disability (CPP-D) benefits of <amount removed>. <name removed> also began receiving monthly CPP-D benefits of <amount removed>.

The Department advised the appellant that their retroactive payment exceeded the EIA program's \$4,000 liquid asset exemption. The Department asserted that it asked the appellant to submit bank statements and expenditure explanations, so it could determine if they had made eligible expenditures that would reduce their excess assets.

The Department stated the appellant never provided the requested documents, so it closed their file. The Department asserted that it advised the appellant that they should be eligible to reapply for assistance in approximately two months, after their excess assets had been reduced below the exemption limit. The Department also advised the appellant that their monthly CPP-D benefit would be deducted from their assistance if they became eligible for assistance.

The appellant detailed their health issues to the Board, and described their frustration with the response they received from their family doctor, the Department and Service Canada.

The appellant disputed the Department's assertion that it asked for bank statements and other financial documentation .

The appellant told the Board they currently had less than <amount removed> left from their retroactive payment. The appellant stated they spent most of the money on settling debts. The appellant is still experiencing financial difficulties and accumulating debt.

In response to a question from the Board, the appellant stated they have not reapplied for assistance because the Department told them they had to wait 60 days from the date of the letter the Department sent on <date removed>. The Board asked the appellant if they intended to contact the Department on <date removed>. The appellant expressed a desire to start the intake process prior to

<date removed>.

The appellant reiterated their position that the Department had not asked them to provide documentation. The appellant stated they had the documentation, but did not know the Department needed it. The Department asserted it asked for the documentation in <date removed>. The Department noted the appellant can submit the documents at any time, and preferably before <date removed>.

In response to a question from the Board, the Department stated the CPP-D retroactive payment cannot be sheltered in a disability trust, because it is unearned income. Unearned income is sheltered by the \$4,000 liquid asset exemption. The Department noted closing the appellant's file benefitted them, because the income carry forward provisions ended when their file was closed.

The Board notes the appellant's assets exceeded the \$4,000 exemption limit, and the Department's attempt to secure banking information was intended to reduce the excess amount and lessen the impact on them. Even if the appellant's assertion that the Department did not ask for the documentation was true, the Department's omission would not change the fact their assets exceeded the exemption.

Based on a careful review of the written and verbal evidence, the Board determines the Department closed the appellant's file in accordance with the legislation and regulation, and confirms the Director's decision.

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