

Reasons for Decision:

Order # AP1920-0361

On <date removed>, the appellant filed an appeal of the Director's decision to deny them the 55+ supplement. The decision letter was dated <date removed>.

The decision letter sent to the appellant indicated that their net family income was greater than the maximum income allowable to receive the supplement.

At the hearing the department referred to its report. The legislation sets the maximum allowable income threshold to receive the 55+ income supplement. When calculating eligibility, the department uses the previous year's income and deducts employment insurance and CPP contributions as well as employment expenses.

The calculation for the appellant was based on their <year removed> income. The appellant's employment insurance and CPP contributions were deducted along with <amount removed> in employment expenses. After these deductions the appellant's income was approximately \$9,900, which is above the maximum income threshold set by the legislation. The appellant agreed the approximate \$9,900 used for the calculation was accurate.

The appellant told the Board they had been approved for the 55+ supplement in the past. Now that they were unemployed, the appellant relies on the supplement as it is difficult to live on the approximately \$10,000 they receive annually.

In response to a question from the Board, the department stated the program's year runs from April 1 to March 31. The appellant will be able to re-apply for the supplement on April 1, 2020.

The department also indicated the income threshold is set in the regulations and that it has not changed during the lifetime of the program.

After careful consideration of the written and verbal evidence submitted to it, the Board determines that the Department assessed the appellant's application correctly according to the legislation and regulations, and that there is no provision in the legislation for discretion. The Board confirms the Director's decision to deny the appellant 55+ supplement.

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