

Reasons for Decision:

Order # AP1920-0640

On <date removed>, <name removed> filed an appeal of the decision of the Director, St. Boniface/St. Vital to prorate their benefits and subsequently close their file. The decision was communicated in a letter dated <date removed>.

The Department told <name removed> their file was closed because they were out of the province for more than 30 days.

The Department relied extensively on the written report submitted as evidence.

The Department told the Board that <name removed> was out of the province for more than 30 days twice. The appellant was in Vancouver from <dates removed>. The appellant then visited the Philippines from <date removed>, returning on <date removed>.

The Department stated it was not aware of <name removed>'s first absence until, <date removed>. The Department held <name removed>'s January benefits when it learned of their absence.

Once the Department received confirmation of the dates of <name removed>'s previous and pending absences from their parent, the Department issued benefits for <dates removed>. These were the dates <name removed> was in Winnipeg.

The Department told the Board that it does not issue benefits if the recipient is absent from the province for more than 30 days. As <name removed> intended to be out of the province the entire month of <month removed>, their file was closed.

<name removed> was represented at the hearing by their parent. The parent told the Board that the appellant lives with them.

The parent recounted a lengthy history of family issues that required attention. As some of the issues were taking place outside Manitoba, both the parent and appellant were required to be absent from the province for an extended period of time, supporting their family in its time of trouble.

The parent noted that they still had fixed expenses in Winnipeg while they were out of the country. The parent asked the Board for consideration, because they were not aware of the rules and their absence was to support their family.

In response to a question from the Board, the Department stated it assessed an overpayment for the first absence. <name removed> did not appeal the overpayment.

The Department told the Board <name removed> was eligible to reapply for assistance now that they were back in Manitoba.

After carefully reviewing the verbal and written evidence presented to it, the Board determines that the Department assessed <name removed>'s eligibility for assistance according to the legislation and regulations, and confirms the Director's decision to prorate them <date removed> benefits and close their income assistance file effective <date removed>.

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