

Reasons for Decision:

Order # AP1920-0718

On <date removed>, <name removed> filed an appeal of the Director's decision to require them to provide monthly income declarations. The date of the decision was <date removed>.

The decision letter sent to <name removed> stated the reason for the decision was that they had reported business income for the month of <month removed>.

The Department indicated <name removed>'s business was approved in <year removed>, and it stopped operating shortly after. On <date removed> <name removed>'s business was once again operational and they were requested to provide income declaration forms. As the special exemption for <name removed>'s business had expired any income from it would be deducted according to the legislation and regulations.

In <year removed> <name removed> advised the Department they were having difficulty preparing income declaration forms. It was agreed that their budget would be released during that time period and their income forms could be reconciled at a later date.

<name removed> told the Board that the process of getting their business up and running has been slowed due to their disabilities and due to actions of the ex-spouse. An agreement had previously been made with the Department that helped them continue working.

<name removed> indicated they received a grant in order to produce a film. The appellant stated the grant money is to be used on equipment rentals, travel expenses and honorariums for others involved in the project. The appellant will not receive any income from the grant until the project is finished, and all expenses have been paid. The appellant has provided the Department with information about the grant and all of the expenses for the project.

<name removed> indicated that their disability causes them to have difficulty with numbers, and therefore cannot complete the income declaration forms requested by the Department.

In response to questions from the Board, the Department indicated that <name removed>'s self-employment plan expired in <date removed>. While the plan was active, <name removed> was able to re-invest any earnings from the business back into it without his assistance budget being affected. Since the self-employment plan ended, <name removed> has been receiving assistance under the disability category.

In response to a question from the Board, <name removed> indicated they are currently not receiving any income from the film project. The grant money is being used for the project's expenses. The appellant only source of income is their assistance budget.

In response to questions from the Board, the Department acknowledged that the grant money received by <name removed> is to sustain their business. The Department has requested they provide it with income declarations, along with their eligible business expenses. <name removed> stated that the Department's requesting they provide it with this information is contrary to the previous agreement that was in place.

In response to a question from the Board, the Department indicated the agreement referred to by <name removed> was only to do with their earnings they received while employed as a respite worker. The agreement did not include their self-employment earnings. <name removed> disagreed with the Department, stating that their self-employment earnings were part of the agreement.

The Board notes that the Department's requiring <name removed> to provide income declaration and business expense forms is a reasonable requirement to properly administer their assistance file. The Board is mindful of <name removed>'s verbal evidence that their disability impacts their ability to provide the Department with the information it is requesting, and encourages the appellant to provide the Department with objective medical information that speaks to any special needs they may have in this regard.

After carefully reviewing the verbal and written evidence presented to it, the Board determines that the Department correctly administered <name removed>'s assistance according to the legislation and regulations. The Board confirms the decision of the Director to require <name removed> to provide the Department with monthly income declarations.

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