

**Reasons for Decision:**

**Order # AP2021-0058**

On <date removed>, <name removed> appealed the decision of the Director, Central Region to not pay their income assistance in <month removed> and <date removed>. The original decision letter was dated <date removed>.

The decision letter stated <name removed> was not eligible for assistance because the Canada Emergency Response Benefit (CERB) he received exceeded his monthly budget amount.

The Department told the Board that <name removed> advised it on <date removed> that they had received a CERB payment of \$2,000. As the CERB amount exceeded their monthly budget amount for <month removed>, they were not eligible for assistance that month. The amount they received resulted in an income carryforward to <month removed>.

<name removed> received another \$2,000 payment in <date removed>, which made them ineligible for <month removed> benefits and increased the size of their income carryforward. The Department policy is to close the file after two consecutive months where assistance is not paid, to end the growth in the income carryforward.

The Department stated <name removed> will be eligible to reapply for assistance when the CERB payments end. Since the CERB is treated as earned income, <name removed> will continue to be eligible for health benefits. Their disability eligibility will also remain active.

<name removed> was accompanied at the hearing by a support person, <name removed>. <name removed> recounted a lengthy history of dissatisfaction with the Department's treatment of their business. The appellant asserted that the Department's treatment of their CERB payments was linked to the Department's treatment of their business.

<name removed> told the Board they have lost all business income as the result of the current public health emergency, but they still has expenses, including loans. The appellant applied for the CERB to offset their business expenses. By cancelling their assistance, the Department has forced them to use the CERB for living expenses, jeopardizing their loan.

<name removed> asserted that their CERB payment should be treated as business income, and they should be allowed to deduct business expenses from the payment. The Department referenced its CERB policy, which is included in the Department's

written report. The policy treats the CERB as earned income subject to the work incentive calculation for all enrolled clients, not just <name removed>.

<name removed> recently appealed the Department's refusal to allow them to deduct business expenses from a grant they received. The Board upheld the Department's position that <name removed> no longer had an approved self-employment plan, and that all income they received was subject to deduction from their assistance.

In the absence of an approved self-employment plan, <name removed> cannot deduct business expenses from their income for the purposes of reporting to the Department. After careful consideration of the written and verbal evidence presented to it, the Board determines that the Department treated <name removed>'s income according to the legislation, regulation and policies. The Board confirms the Department's determination that <name removed> was not eligible for assistance in <month removed> and <date removed>.

The Board notes <name removed> is receiving almost twice as much in CERB payments than they were receiving in assistance. <name removed> may reapply for assistance once their CERB payments end.

## **DISCLAIMER**

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