

Reasons for Decision:

The appellant appealed that the appellant's income assistance was denied. At the hearing it was clarified that the appellant has since been enrolled on income assistance, but still believes the appellant was entitled to funds for the months of <reference removed>.

The appellant applied for income assistance on <reference removed>. The appellant advised that the appellant has been separated since <reference removed>, but still had a joint bank account with the appellant's former spouse. The program advised the appellant that the appellant would need to provide copies of the appellant's bank statements for all accounts including the joint account. The appellant was requested to provide these statements by <reference removed>. This requirement was provided to the appellant in writing on the appellant's action plan. When this was not received by <reference removed> the worker sent a letter advising that the case was closed as the required documentation had not been submitted.

The appellant brought the bank statement to the office on <reference removed>. The worker saw that there were transfers of funds between the two accounts and that the appellant's former spouse had a regular source of income being deposited into the account. The appellant advised that the transferring of money was from the appellant's children to cover the rent, and that the appellant's spouse had owed the appellant some money. The worker advised the appellant that any funds in the joint account were considered to be a financial resource available to the appellant and that the appellant's name would need to be removed from the bank account or these funds would be considered unearned income which affects the appellant's eligibility. The case remained closed and the program did not issue this decision in writing.

At the hearing the worker stated that the amount of income received by the appellant in the appellant's own personal account showed that the appellant had sufficient income in the month of <reference removed> to make the appellant ineligible for <reference removed> benefits. This included the appellant's final EI payment, the appellant's final employment earnings, and transfers into the appellant's account.

The appellant indicated that the appellant did not realize that the due date for providing the documents was such a critical date, and provided the documents to the Department as soon as the appellant was able to. The appellant indicated at the hearing that the appellant had no funds with which to support the appellant at the time of the appellant's application. The appellant stated that although the appellant's name is still on the joint bank account, the appellant does not access any funds from it, with the exception of \$<amount removed> the appellant withdrew which were funds that the appellant's <spouse> owed to the appellant.

The appellant and the appellant's advocate stated that at the time of application there were no assets belonging to the appellant in the joint bank account, and therefore the funds from the joint bank account should not have affected the appellant's eligibility.

The appellant provided information to the Department dated <date removed> that the bank would not take the appellant's name off of the joint account because the account was overdrawn and the account must be in good standing with no debts owing before the bank would agree to remove the appellant's name. The appellant also provided a statement from the appellant's ex-spouse stating that the spouse would accept all debt on the joint account and would close the account once the debt was cleared.

After carefully considering the written and verbal information the Board has determined that based on the information the Department had at the time they made their decisions on <reference removed> and <reference removed> the Employment and Income Assistance Program had sufficient rationale to deny income assistance eligibility. The decision on <reference removed> was made due to not having the required banking information by the due date. When the bank information was provided to the program, it showed that the appellant had legal access to a bank account held jointly with the appellant's ex-spouse which contained deposits from one or more of the appellant's parties. The Board agrees with the program's determination that access to these funds does constitute a financial resource to the appellant which rendered the appellant ineligible for income assistance. The documents from the bank and from the appellant's ex-spouse were received by the program after <reference removed> and therefore the Board does not feel they are relevant to this decision. Therefore, the Board has confirmed the decision of the director.

The Board does want to comment that the appellant should have received a written decision letter when the appellant's eligibility was reviewed on <reference removed>. The worker indicated at the hearing that as the case had already been closed, a closure/denial letter was not required. However both parties indicated at the hearing that their understanding was that the information provided that day was done with the understanding that the appellant was asking to be enrolled on income assistance. The worker reviewed the information and made a determination that the appellant did not have eligibility. As the reason for denial on <reference removed> was different from the reason for denial previously and based on a different set of circumstances, the worker was required to provide the denial and the reason for denial in writing in accordance with Section 9(2) of *The Manitoba Assistance Act*.