

Reasons for Decision:

Order # AP1516-0111

The appellant appealed that the appellant's income assistance file was closed.

The appellant attended the hearing with an advocate who presented on the appellant's behalf. The advocate stated that the appellant began receiving income assistance benefits in <month and year removed>. The appellant began employment on <date removed>. The appellant's first pay was <date removed> and the appellant declared this income within two weeks of receiving it. The appellant's second pay cheque was <date removed>. The Department stated that they never received pay verification and closed the appellant's file.

The appellant stated that the appellant did drop off the appellant's income declaration through the drop box at the office and also received a copy from the front counter staff. The Department advised the appellant that they had closed the appellant's file due to not receiving all pay verification, specifically the appellant's second pay of <date removed>. The appellant received a letter from the Department dated <date removed> advising of the appellant's budget with less net earnings deducted of <amount removed>. The letter stated "please be advised that your benefits were assessed and due to excess income you were not eligible for basic needs benefits from <dates removed>. The advocate indicated that this letter confirms that the Department would have received the appellant's <date removed> pay verification in order for them to adjust the appellant's budget for <dates removed>.

The advocate also advised that the appellant was in a car accident on <date removed>. The appellant's next pay information was submitted to the Department on <date removed> for the appellant's <date removed> pay but at that time the Department had already closed the appellant's file. The Department's reason for closure was due to not receiving pay information. The appellant's employment ended <date removed>. The appellant's employer stated on the Record of Employment (ROE) that the appellant quit, however other documentation from the employer stated that the appellant was terminated. The appellant has been in touch with the Manitoba Labour Board and the Human Rights Commission due to wrongful dismissal. The appellant also has a doctor's letter advising that the appellant is unable to work from <dates removed> due to a car accident and has submitted these documents to the Department.

The advocate felt that disability benefits forms should have been provided to the appellant due to the doctor's letter provided. The appellant was found eligible for benefits again effective <date removed>, however the advocate feels that the Department should have worked with the appellant sooner to be reinstated and that the

appellant's file should have never been closed in <date removed>.

The Department reported at the hearing that their report indicated that the appellant did not declare the appellant's <date removed> pay, however the worker advised that it was received but that they did not receive the <date removed> pay verification until <date removed>, after the appellant's file was already closed effective <date removed>. The Department reported that participants must report their pay information immediately when they receive it otherwise they assume they don't need assistance and their file is closed to employment. The appellant contacted the Department on <date removed> and advised the appellant had to leave the appellant's employment due to a car accident.

The Department called the appellant's employer who advised that the appellant had quit. The employer also completed an incident report which stated that the appellant was terminated. As there was conflicting information regarding the appellant's employment ending, the appellant's file remained closed. The Department also advised that they would not have provided the appellant with disability forms as the doctor's note did not say the appellant would be off for more than 90 days, as is required to be eligible for disability benefits as per Section 5 (1) (a) of the Manitoba Assistance Act.

After carefully considering the written and verbal information, the Board has determined that the Department has erred in closing the appellant's income assistance file in <date removed>.

The Board placed limited weight on the Department's explanation of the closure of the file in <date removed> because of the errors indicated to the Board regarding receipt of the declaration forms from the appellant. The Department's written report to the Board stated that the appellant's file was closed due to the appellant's second pay verification having not been received. At the hearing, the worker stated that they did in fact receive the second pay verification of <date removed>. The Department did not receive the <date removed> pay verification until <date removed> and the worker said that due to the file already being closed effective <date removed> they couldn't do anything. The Board also took into consideration that the Department made no mention in their report, which was written on <date removed> of receiving the <date removed> pay information or the <date removed> budget letter. This budget letter indicates that the appellant was not eligible for benefits from <dates removed> and showed net earnings deducted for that time period, confirming that the <date removed> pay verification was received and calculated.

The appellant's next pay to declare was the appellant's <date removed> pay. As reported to the Department the appellant was in a motor vehicle accident on that same date and provided the information within eight days. The Department stated that they didn't do anything with the pay information as the file was already closed. The worker also indicated at the hearing that the appellant went from not declaring the appellant's pay in a reasonable time to being terminated without just cause. The

Board finds the Department's rationale for closing the appellant's file to be unfounded. Therefore the Board has rescinded the decision of the Director and orders the Department to reopen the appellant's file effective <date removed> and determine financial eligibility.

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