

## Reasons for Decision:

The appellant is appealing the decision of the Department to deny the appellant's application for 55 Plus benefits.

The Department received the appellant's application for the 55 Plus Junior benefit on <date removed>. The application was for the benefit year of <dates removed>. 55 Plus is an income based program and the income tax from the previous year is used to calculate eligibility. In the appellant's case, the income from <year removed> was used to calculate the appellant's eligibility.

The information showed that after the allowable deductions were applied, the appellant had a net family income of <amount removed>. The 55 Plus Regulation, 2(1) states:

*“Subject to subsection (3), a benefit shall be paid to a person who (c) if single, has a net family income of \$9,746.40 or less”*

As the appellant is single and the appellant's <year removed> income exceeded the amount specified in the Regulation, the appellant's application for 55 Plus benefits was denied.

The appellant indicated at the hearing that the appellant is relatively new to Canada and lives alone. The appellant is employed and confirmed the program has the appellant's income correct. The appellant stated that the appellant is separated with <number> children and supports them. The appellant also stated that the appellant pays <amount removed> per month in rent plus utilities. The appellant is separated with <number removed> children and advised that the appellant has to support the appellant's family so sends money to them as well as to the appellant's home country. The appellant feels that the program should be considering the appellant's deductions other than just employment deductions as it is not a true reflection of what the appellant is living on.

After carefully considering all the written and verbal information presented at the hearing, the Board has determined that the Department has correctly assessed the appellant's eligibility for the 55 Plus program in accordance with the legislation and the regulations. There is no provision in the legislation to provide benefits when a participant is over the maximum income allowance of the program or to include non allowable deductions. Therefore, the decision of the Director is confirmed and the appeal has been dismissed.