

Reasons for Decision:

Order # 1516-319

The appellant is appealing that the appellant's application for funeral costs for <reference removed> was denied.

The appellant indicated that when <reference removed> passed away on <reference removed> the appellant asked a friend to find out if there is any assistance to help cover the funeral costs. An appointment with the funeral home had been arranged on <date removed>. The appellant indicated at the funeral home that they were hoping to apply for Social Services to help with costs, and was advised by the funeral home staff that they (Social Services) pay very little, but did not advise who to contact to assist with the application process. The appellant felt that the appellant was being discouraged from contacting Social Services. Therefore, the appellant signed the funeral services contract on that day. The appellant indicated that the funeral home assured the appellant that they had kept the costs as low as possible and that <reference removed> is the cost of a basic funeral service.

On <reference removed> the appellant finally found the proper contact information on how to apply for income assistance help for the funeral costs. The appellant indicated that the appellant met with the intake worker on <date removed> and was verbally advised that Income Assistance would not pay for the funeral due to the excessive costs incurred.

The appellant then filed an appeal, and subsequently a formal application was taken and denied.

The Department stated that when the application was taken and the original bill for the funeral was provided totalling <reference removed>, the appellant had indicated that the appellant and the family had been able to raise about <reference removed> towards the costs of the funeral, but that there was still an outstanding balance. At the time of the intake application the Department stated that the outstanding balance was <reference removed>. At the hearing the appellant clarified that the outstanding balance as of the day of the hearing was just under <reference removed>. The appellant was advised that given the cost of the original funeral the appellant would not be eligible for assistance. The appellant was provided a decision letter on <date removed> which stated that the appellant was not eligible for funeral costs as the amount that the appellant had paid exceeded the social assistance budget amount.

The Department provided a completed "Schedule B" which outlines the eligible funeral costs in accordance with their agreement with Manitoba Funeral Services Association which totaled \$6866.17. At the hearing, the representative from Income Assistance stated that if family and friends wish to contribute for items not covered by the agreement with Manitoba Funeral Services Association such as a headstone, flowers, meal, etc that this would not affect eligibility for the basic funeral coverage.

Section 23.1.3 of The Employment and Income assistance Regulation states:

The approved services and fees for a funeral are determined in accordance with EIA's agreement with the Manitoba Funeral Services Association. When assessing requests for funeral benefits, all of the deceased's financial resources should be considered, including: any CPP death benefit, any final OAS/GIS payment, liquid assets, and any other resources such as a funeral plan or the Last Post Fund. As outlined below, consideration should be given to obligations to pay for final basic needs to wind-up the deceased's affairs (for example, a last rent payment, utility payments or moving costs).

If the deceased was not an EIA participant at the time of his/her death, and the person's resources are sufficient to cover the cost of a funeral, having taken into consideration obligations for final basic needs expenditures, the application should be denied. The applicant should be advised that he/she can apply for the deceased's CPP death benefit and any other benefits to which the person may be entitled.

After carefully considering the written and verbal information the Board has determined that the program has incorrectly determined that <reference removed> was not eligible for any funeral costs. However, the Board has also determined that if eligibility had been properly determined, it is most likely that there would not have been any eligibility. There is nothing in the Department's information to show that they properly assessed what <reference removed> financial resources were at the time of death. These are the only financial resources which should have been taken into consideration when making a determination of eligibility for funeral costs. Any contributions which the appellant and the family and friends of the deceased were able to make to supplement the basic funeral covered by income assistance, should not have affected the eligibility calculation. It also appears that the program wrongly assumed that the appellant was the common-law spouse of <reference removed> , however at the hearing the appellant clarified that the appellant was a paid caregiver for <reference removed>, and they have never presented themselves as a couple, and had no joint assets.

At the hearing, the appellant indicated that <reference removed> assets at the time of death included <reference removed> cash on hand, <reference removed> from his final OAS and CPP payments, \$2500 CPP death benefits, and about <reference removed> in an annuity which was willed to siblings. The deceased did not own a vehicle or any property. Total assets are therefore approximately <reference removed> which is over the allowable cost for funerals of \$6866.17. If the annuity was not included in this calculation the available assets would be <reference removed> which is below this amount. The appellant did not provide verification of these figures, and the actual amounts may be slightly more or less than these figures.

Therefore the Board has determined that <reference removed> assets at the time of death exceeded the maximum amount which could have been approved by the Employment and Income Assistance Program and the decision of the director has been confirmed.