

Reasons for Decision:

Order # AP1617-0491

The appellant appealed that the appellant's Canada Pension Plan (CPP) benefits are being deducted from the monthly income assistance budget.

The appellant reported that the appellant's CPP benefits are in fact earned income, therefore should not be deducted dollar for dollar. The appellant receives <amount removed> from CPP and said as the appellant worked and paid into it, the appellant should be allowed to use it to supplement the appellant's income assistance as those participants who work are allowed exemptions from their employment earnings which are not deducted.

The program representative reported at the hearing that the appellant was requested to apply for CPP benefits as all participants must explore all sources of income that may be available to them. The appellant received a first CPP payment of <amount removed> on <date removed>. A letter was sent to the appellant advising of the adjustment to the appellant's monthly benefits as all unearned income, including CPP benefits, is deducted dollar for dollar as CPP is pension income and not current employment income. The Manitoba Assistance Regulation Section 8 lists which sources of income are subject to an exemption, and pension plans of any sort are not included in this listing. The appellant's CPP benefits are therefore considered an ongoing financial resource which is subject for deduction.

Section 15.1.2 of the Employment and Income Assistance Administration Manual states:

Common Sources of Unearned Income

Pensions

Examples of pension benefits are:

Canada Pension Plan, Old Age Security, Spouse's Allowance, Guaranteed Income Supplement, Department of Veterans Affairs pensions and allowances, Criminal Injuries Compensation, Workers Compensation, Blind and Persons with Disabilities Allowance, funds assisting persons with mental disabilities, private pension plan benefits and other retirement, disability or survivors' payments. "Pension" implies an ongoing source of income. In some circumstances, arrears or adjustment payments may be received in a lump sum.

After carefully considering all the written and verbal information presented at the hearing the Board has determined that the Department has properly administered the appellant's eligibility for income assistance. Financial eligibility for income assistance benefits is calculated by comparing the financial resources a person has available to them to a basic needs budget.

The appellant's argument is that the appellant should be allowed the same exemption as those receiving employment incomes. The appellant's CPP benefits are based on the appellant's past contributions during employment, the benefit itself is not deemed earned income as it is not being earned as current wages.

The Manitoba Assistance Regulation Section 8 states that some financial resources are exempted. However the Regulation does not provide for any exemption on Canada Pension Plan benefits. The Board has determined that the Department has correctly assessed the appellant's financial eligibility. Therefore the decision of the Director has been confirmed and the appeal is dismissed.

The Board encourages the appellant to pursue the Rewarding Volunteer Benefit.

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