

**Reasons for Decision:**

**Order # AP1718-0179**

The appellant appealed that income assistance was cancelled and the appellant was assessed an overpayment due to unearned income.

The program representative stated that they received a report from Employment Insurance (EI) that the appellant had an active claim with EI and was in receipt of weekly payments of <amount removed>. The appellant also received a back pay amount from EI for <amount removed> but did not inform the program of the ongoing weekly benefits. EI benefit amounts are deducted dollar for dollar from an income assistance budget. The appellant received EI benefits in <date removed>, which exceeded the income assistance benefit amount of <amount removed>. The program assessed the <amount removed> as an overpayment and closed the file on <date removed> due to excess unearned income.

The appellant stated that the benefits received from EI were for sick benefits that the appellant is no longer receiving. The appellant didn't realize the appellant received any funds from EI until after the fact and reported it to the program as soon as the appellant discovered it in the bank account. The appellant said the appellant couldn't get through to a worker but did speak to someone at the general information line who advised the appellant that it was the appellant's income assistance cheque and the appellant should be able to cash it. The appellant thought the appellant reported it soon enough to not be assessed the overpayment however agrees if the appellant was overpaid the appellant must pay it back. The appellant has not received anything from EI or EIA since the end of <date removed> and is being supported by family and friends.

Section 15.1.1 of the Employment and Income Assistance Administrative Manual states:

"Unearned Income" is defined as all income received by an applicant or participant except wages and net revenue from farm or business operations and hence is totally available for current maintenance. Certain exemptions are defined in [Section 15.2.1](#).

Related Circular - Directive #2005-36 states:

Ongoing unearned income is unearned income that will continue to be received by the participant after the date of application (i.e. participant continues to receive Employment Insurance (E.I.)). Unearned income is to be considered as an available resource. The EIA budget is based on the previous month's unearned income, in order to estimate what the households needs will be in the current month.

After carefully considering the written and verbal information the Board has determined that the Employment and Income Assistance Program has properly administered the appellant's

overpayment with Income Assistance. Due to the appellant's receipt of EI benefits and receiving EIA for the same period, the appellant was overpaid. However, in regards to file closure, the Board finds that the program erred in closing the appellant's file without verifying that EI benefits were continuing. The Board finds that the program failed to verify how long the appellant's EI benefits would continue and closed the file without calculating if the appellant would be eligible for <date removed>. As either party was unable to determine the exact date of the appellant's last EI payment, the Board orders the Department to reopen the appellant's income assistance file immediately and calculate <text removed> benefits based on the last EI payment.

## **DISCLAIMER**

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