

**Reasons for Decision:**

**Order # AP1718-0200**

The appellant appealed that the appellant's income assistance was suspended and the program advised that they will be assessing an overpayment for unexplained deposits into the appellant's bank account. At the time the appeal was filed, and at the time of the hearing, no overpayment had been assessed, the program was still trying to gain additional information from the appellant before calculating an overpayment amount. Therefore the issue of the overpayment was not reviewed by the Board.

The Department stated that the appellant was requested to provide a copy of all bank account records in order to review eligibility for income assistance. When the program received the appellant's banking information it showed a number of deposits into the appellant's bank accounts that did not originate from the income assistance program. The program advised the appellant that the appellant must provide verifiable documentation for each of the deposits or they would be considered unearned income and be calculated as an overpayment. The program also stated that they had information on file that the appellant had two additional bank accounts for which the appellant did not provide statements to the program. The program provided the Board with a very detailed and organized statement of all the unexplained deposits in the appellant's accounts and which items still required verification.

On <date removed> the program advised the appellant that no further benefits would be released until all outstanding matters had been resolved. It is the program's position that the unexplained deposits in the appellant's bank account are considered a financial resource and available to the appellant for support and therefore the appellant was not financially eligible for income assistance benefits.

The program stated that they needed to have a cut off date by which the appellant needed to provide the documentation to verify ongoing eligibility for income assistance. The amount of outstanding deposits is approximately <amount removed>.

The appellant indicated that the appellant was not aware that the appellant was not allowed to have deposits into the appellant's bank account that were not from the income assistance program. The appellant explained that many of the deposits were funds that one family member provided to the appellant to give to another family member. Some of the funds were money the appellant borrowed from family members when the appellant ran short, but the appellant would later pay them back. There were some funds paid by the <text removed> to compensate for costs incurred to provide palliative care to a relative in the hospital. Once the appellant was aware that the program considered any deposit as unearned income the appellant stopped allowing relatives to transfer funds into the appellant's bank account to help out other family members. The appellant indicated that there were no further deposits after <date

removed>. The appellant also stated that the additional bank accounts the program mentioned were accounts that the appellant had closed years ago.

The appellant stated that the appellant and the appellant's dependents have had no funds since the case was suspended and they have been really suffering. The appellant has no funds to buy the children school supplies and is worried the appellant will not be able to send them to school in September.

The bank account records show a balance of <amount removed> as of <date removed> on the appellant's chequing account.

After carefully considering the written and verbal information the Board has determined that the program did not have sufficient rationale to suspend the appellant's income assistance benefits effective <date removed>. The Board decision is made in accordance with the Employment and Income Assistance Administrative Manual Section 15.2.6 Treatment of Unearned Income During Enrollment. Section C of this policy advises what to do when ongoing unearned income decreases or ends. Income assistance eligibility is calculated based on the previous month's earnings and unearned income. The program did not provide any evidence to the Board that the appellant had any unearned income in the month of <text removed> that would affect eligibility for <text removed> benefits. The bank balance showing on the appellant's bank accounts showed the appellant did not have any financial resources available to meet the basic needs of the appellant and the appellant's dependents.

It may be that if a calculation was done on the unexplained bank deposits that there would be an income overage that would affect <text removed> benefits, however the program would need to actually complete the calculation in order to make this case before the Board. Alternatively, an overpayment rather than a carry forward could be assessed in order to allow the appellant access to the assistance required to provide for current basic needs and rent. The decision of the Director has therefore been rescinded and the Board orders the program to provide a retroactive payment to the appellant for all income assistance not paid since the suspension on <text removed>.

## **DISCLAIMER**

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