

**Reasons for Decision:**

**Order # AP1819-0362**

<name removed> appealed that their 18-year-old son is being removed from their Employment and Income Assistance (EIA) budget effective <date removed>.

The Department advised <name removed> in early September <year removed>, that when their son turns 18 years of age on <date removed>, he would be removed from their file effective <date remove>, which will reduce their monthly budget.

A letter was sent on <date removed> advising of the decision. The letter also advised that if their son should choose to apply for EIA as a single adult applicant, a number was provided for him to call and schedule an intake appointment.

At the hearing, the Department advised that as <name removed>'s son's birthday falls after their monthly cut-off, <name removed> would receive their full benefits, including dependant allowance, for the month of <date removed>.

<name removed> is under the disability category with EIA and stated that they also receives Canada Pension Plan Disability benefits (CPPD). The appellant stated that CPP recognizes their son as a dependant when calculating their benefits with them, and feels that EIA should do the same. The appellant's son is a full time student with the University of Manitoba, and <name removed> stated their does not what him to be dependant on EIA for his living allowances.

Under the Manitoba Assistance Act the definition of a child" means a boy or girl actually or apparently under 18 years of age.

Under Section fil.11 the director shall provide income assistance, in accordance with this Act and the regulations, to or in respect of a person who, in the opinion of the director is a person

- (a) who, by reason of age or by reason of physical or mental ill health , or physical or mental incapacity or disorder that is likely to continue for more than 90 days
  - (i) is unable to earn an income sufficient to meet the basic necessities of himself and his dependants, if any; or
  - (ii) is unable to care for himself and requires to be cared for by another person or in an institution or home for the aged or the infirm; or
- (b) who is a widowed spouse with a dependant child or dependant children; or
- (c) who is a parent with a dependant child or children and

After carefully reviewing the written and verbal evidence presented to it, the Board determined the Department has calculated <name removed>'s budget according to the Legislation and Regulations, and was correct in removing their 18-year-old son from their budget. <name removed> has been advised that their son is welcome to apply for EIA as a single adult if he is in need of assistance. Therefore, the Board confirms the decision of the Director, and the appeal is dismissed.

## **DISCLAIMER**

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