

**Reasons for Decision:**

**Order #AP1819-0618**

On <date removed>, the appellant filed an appeal of the Director's decision to assess an overpayment of <amount removed>. The decision letter was dated <date removed>.

The reason given for the overpayment was that <name removed> received duplicate transportation costs in <date removed>.

At the hearing, the appellant and the Department agreed that their appeal of an overpayment assessed for duplicate-rent had been resolved.

The appellant told the Board they were living with their parent and brother on <date removed>. As the result of an altercation with their brother, their parent evicted them from the house.

The appellant stated they had withdrawn their <month removed> benefits from their bank account prior to <date removed>, and had stored the cash in a drawer in their room at their parent's house. The appellant told the Board their eviction occurred so quickly that they were unable to retrieve their cash or any other belongings.

The appellant asserted their probation worker attended their parent's residence to retrieve the cash, but their parent refused to return the money. The appellant notified the Department that their parent had stolen their money, and the Department told them it would reimburse the money if he obtained a police incident number. The appellant asserted their worker told them the Department would not assess an overpayment if they provided an incident number.

The Department stated the appellant received full benefits for <month removed>, including money for a bus pass. Because the appellant had not purchased a bus pass prior to being evicted and losing their cash, the Department issued additional bus tokens. The Department stated it requires a police incident number before it can issue duplicate assistance.

The Department stated duplicate assistance is an automatic overpayment in the Department's system, and case workers do not have the discretion to waive the overpayment. Duplicate assistance of any kind must be signed off by a supervisor, and approved electronically in the system.

There was considerable discussion at the hearing between the appellant and the Department about whether they had been advised that the duplicate assistance would

be treated as an overpayment, and when information flowed between the appellant and the Department. The central question before the Board is whether the appellant should be held responsible for the overpayment, and issues surrounding timing and notification have little bearing on that question.

The Department acknowledged that the Director has discretion to deem an overpayment non-recoverable, according to Department policy. The intention of the policy is to avoid creating a hardship for participants through the recovery of overpayments to which they in no way contributed. The Board recognizes the unique circumstances surrounding the appellant's need for duplicate assistance.

Based on a careful review of the written and verbal evidence, the Board determines the principles of natural justice warrant staying recovery measures against the appellant. The Board rescinds the Director's decision and orders the Department to deem the appellant's overpayment to be non-recoverable.

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