

Reasons for Decision:

Order # AP1819-0643

On <date removed>, <name removed> appealed the Director's calculation of their Assignment of Benefits for Workers Compensation Board (WCB) payments . The original Assignment of Benefits occurred in <date removed>, and a recalculation was made on <date removed>.

The appellant told the Board they were injured at work, and was receiving monthly WCB payments when they applied for assistance. The appellant declared the payments to the Department, and they were deducted from the assistance paid by the Department.

The appellant explained their original worker at WCB made an error when calculating their wage loss. The appellant's new worker found the error and recalculated their benefits. The recalculation resulted in the appellant receiving a lump-sum payment from WCB, while they were on income assistance.

The appellant stated the lump-sum payment exceeded the amount of income assistance they received from the Department by a significant amount. The Department had them complete an Assignment of Benefits for the amount of assistance they received. The Department treated the remainder of the lump-sum payment as unearned income and closed the appellant's file due to excess income.

The appellant noted <amount removed> of the lump-sum payment was attributable to payments they should have received from WCB prior to their application for income assistance. The appellant objected to the Department's inclusion of that amount of money in its calculation, because it would not have been included if WCB had paid the benefits on time.

The Department confirmed the details of the appellant's case. The Department noted that WCB discovered another calculation error in <date removed>, which resulted in the Department issuing the appellant a deficit payment of <amount removed> on <date removed>.

The Department stated it includes income in a recipient's budget when it is received, not when it is earned or becomes payable. As a result, lump sum payments are included in the month received, and the Department does not perform a retroactive recalculation of benefits.

After carefully considering the written and verbal evidence presented to it, the Board finds that the Department treated <name removed>'s lump-sum payment consistent

with the legislation and regulations. The Board confirms the Director's calculation of <name removed>'s Assignment of Benefits for their Workers Compensation Board (WCB) payments.

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