

Reasons for Decision:

Order #AP2021-0238

On <date removed>, <name removed> filed an appeal of the Director's decision to close their income assistance file. The letter communicating the decision was dated <date removed>.

The decision letter sent to <name removed> stated the reason for the decision was that their financial need was not known.

The Department indicated that <name removed> was requested to provide bank statements, after it had received an anonymous tip that they were in receipt of the Canadian Emergency Response Benefit (CERB). The appellant did not provide their bank statements by the deadline, which resulted in their file being closed.

After the file closure, <name removed> provided the Department with the requested bank statements, which showed on-going CERB deposits. <name removed> was assessed an overpayment for assistance received for the months they had also received the CERB. As they did not qualify for assistance due to the CERB income, their file remained closed.

<name removed> told the Board that when they applied for the CERB there was no indication that it was not for assistance recipients. The appellant also did not know that they needed to report the CERB income as it was a government program.

<name removed> acknowledged that they made a mistake, and did not know that CERB was not for assistance recipients when they applied for it.

In response to a question from the Board, <name removed> did not know that the CERB funds came from the federal government, where as their assistance budget came from the province.

The Board asked <name removed> what questions they were asked as part of the CERB application process. In response, <name removed> indicated in order to qualify they had to have made a certain amount of money through employment in the previous year.

In response to a question from the Board, <name removed> indicated they have used the CERB funds on household items, such as food and clothing.

In response to questions from the Board, the Department indicated in order to have their assistance file re-assessed, <name removed> would need to make the case that she has used the CERB funds and is destitute.

The Board has heard a number of CERB-related appeals. The Board is aware that there are eligibility criteria for CERB, and that CERB applicants must attest that they meet these criteria.

<name removed> acknowledged during the hearing that they understand they were not eligible for the CERB program. Despite their ineligibility for the CERB, the evidence before the Board clearly establishes that <name removed> received CERB payments that were in excess of their monthly assistance budget, and there is no provision in *The Manitoba Assistance Act* or the *Regulation* to simply ignore the income. As a result, <name removed> would not have been eligible for assistance during the months for which they received the CERB funds.

Based on a careful review of the written and verbal evidence, the Board determines the Department's closure of <name removed>'s file was consistent with the legislation and regulations. The Board confirms the Director's decision to close the appellant's assistance file.

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