

Reasons for Decision:

Order # AP1516-0136

The appellant appealed that the appellant's income assistance was cancelled as of <date removed>. At the hearing it was clarified that the appellant's benefits were reinstated as of <date removed>.

The appellant had Power of Attorney for the appellant's parent's estate and finances. The Department requested copies of the appellant's bank statements and the appellant's parent's bank accounts and saw a number of transfers between the two accounts. The Department requested confirmation of what the funds taken out of the appellant's parent's account were used for. They also requested some additional information regarding the appellant's parent's trust fund, mortgage, and legal papers.

The appellant stated at the hearing that the appellant provided everything the appellant possibly could to the Department, but that some miscellaneous expenditures the appellant did not have receipts for, such as green tea, clothing, and Ensure. As the appellant did not provide the requested documentation to the Department they closed the appellant's file as of <date removed>.

The Office of the Public Trustee took over responsibility for managing the appellant's parent's finances as of <date removed>. The appellant had no access to any of the appellant's parent's finances as of this date. The appellant has stated that the Public Trustee made arrangements for the phone and cable bills to be changed from the appellant's parent's name to the appellant's name. The Public Trustee has also requested that the appellant switch the hydro bill into the appellant's own name. In the past these expenses had been paid out of the appellant's parent's account. The appellant stated that the hydro bill has fallen behind and is in danger of disconnection. In addition the appellant stated that one of the prescriptions the appellant was taking was paid for by the appellant's parent, with her permission, and the appellant can no longer afford that medication.

The appellant indicated the appellant sees no reason why the appellant was not eligible for June's income assistance, and that the appellant has fallen behind in all the appellant's bills as a result of not receiving that month's income. The appellant has been going to food banks as the appellant cannot afford groceries.

After carefully considering the written and verbal information the Board has determined that the Employment and Income Assistance program did not have justification to not release June 2015 benefits to the appellant. The Board understands that for the months that the appellant had Power of Attorney of the appellant's parent's affairs, any funds which the appellant took from the appellant's parent's accounts, or payments made for the appellant's own use from the appellant's parent's accounts

would be considered unearned income and deducted from the appellant's eligibility for income assistance. Therefore for the period up to <date removed> there was justification for requesting verification of the account activity. However as soon as the appellant no longer had power of attorney, the need for this documentation for the month of <date removed> and onwards no longer existed as there was no longer any question of having any unearned income after this date. Therefore the decision of the director has been varied and the Board orders that a retroactive payment for the month of June 2015 be paid to the appellant.

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