

**Reasons for Decision:**

**Order # AP1516-0179**

The appellant appealed that the appellant's file was closed as work expectations were not met.

The Department reported at the hearing that the appellant's last income assistance file was closed in <date removed> due to the appellant missing several days of work without notifying the employer then advising the employer that the job wasn't working out. The Department confirmed with the supervisor that the appellant did not perform the duties as required. Similar feedback had also been received from the appellant's previous employer.

The appellant attended an intake appointment on <date removed> and stated the appellant was employed at a hotel doing <reference removed> from early <date removed> then quit the same month. The appellant stated that the appellant had to quit that job due to not being able to keep up with the fast pace.

The appellant also referred to previous employment from <date removed> to <date removed> stating that the appellant was fired with no notice. As the appellant chose to leave employment at the hotel, which the appellant would have otherwise held, the appellant's income assistance file was closed due to the Department's just cause policy.

The appellant advised at that time, that the appellant understood and accepted the decision of the Department. The appellant was advised that the decision to deny the appellant benefits could be reconsidered if the appellant was willing to prove the appellant's intent/willingness to comply with the Department's work expectations. The appellant was referred to the Job Centre and an orientation was scheduled for the following day, however the appellant did not attend. The appellant attended the next Job Centre orientation on <date removed> and was assisted with purchase vouchers, bus tickets and job referrals. The appellant advised that the appellant currently has a job with a catering company on a part time, if and when needed basis. The appellant has not reapplied for assistance to date.

Section 6.5.4 of the Employment and Income Assistance Manual states:

**OBLIGATION NOT TO LEAVE OR REFUSE EMPLOYMENT/JUST CAUSE FOR LEAVING OR REFUSING EMPLOYMENT**

Under section 10(1)(e) and (f) of the Regulation, applicants and participants subject to employment expectations must satisfy EIA staff that they have not been fired from, left or refused a job that they might reasonably have held. An

applicant or participant, who has left or refused employment without just cause within six months of applying for EIA or while receiving EIA benefits may have their benefits reduced or terminated.

For the remainder of this section, leaving a job is defined as quitting or being fired from a job.

How to become eligible for EIA benefits again

If an applicant or participant who leaves or refuses a job without just cause can demonstrate to EIA staff that they have looked for employment and/or been working to improve their job skills, they will be considered eligible for EIA benefits provided they meet all other EIA eligibility criteria.

If benefits have been reduced or denied, the applicant or participant and EIA staff can work together to prepare a short-term action plan. This plan should consist of actions that can reasonably be completed in 3 or 4 days.

Once the short-term action plan has been fulfilled the applicant or participant may receive benefits, or have their sanction removed, provided they meet all other EIA eligibility criteria. At this point, a long-term action plan outlining employment goals will be completed with the participant.

After carefully considering all the written and verbal information the Board has determined that the appellant did not comply with the Department's work expectations. The Department had reasonable expectations relating to employment, education and training programs. The appellant's employer confirmed that the appellant quit without just cause and that the appellant did not advise of any other circumstances.

The appellant has had sufficient opportunity between the file closure in <date removed> to the current situation to reapply for benefits. Therefore the decision of the Director to cancel the appellant's income assistance has been confirmed, and this appeal has been dismissed.

The Department advised at the hearing that the appellant has demonstrated employment efforts and cooperation with the Job Centre and it appears the appellant could have the appellant's eligibility re-established. The Board encourages the appellant to reapply for benefits immediately. If benefits are denied, the appellant has the right to appeal.

## **DISCLAIMER**

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