

**Reasons for Decision:**

**Order # AP1516-0346**

The appellant appealed that the appellant's income assistance was cancelled due to work expectations not being met.

The Department reported at the hearing that the appellant applied for assistance on <date removed> and the appellant's file was previously closed in <date removed> for non attendance with an employment program.

The appellant had advised the intake worker that since the appellant's file closed in <date removed> the appellant had been staying with family and that the appellant had not been employed since the appellant's file closed. The appellant did not provide a rationale regarding the reason the appellant did not attend the appellant's appointments with the employment program in <date removed> and the appellant was aware that failure to attend and participate in this program could result in file closure.

The appellant is <age removed> years of age and further advised that the appellant has enrolled as a mature student at a nearby high school but that the appellant had not been enrolled the previous year. The intake worker informed the appellant that the appellant must <reference removed> available to fully attend and participate in work programming and that the appellant's education plan may not be approved.

The appellant advised that the appellant was not willing to withdraw from school as the appellant wants to obtain a high school diploma. The Department advised that intake does not have any authority to approve education plans, a participant must agree to the Department's work expectation plans and then further consideration could be given.

The appellant confirmed at the hearing that the Department's presentation is correct. The appellant stated the appellant did not go to the education program that the appellant had agreed to and the appellant had used the bus tickets to drop off resumes. The appellant said that the appellant enrolled in the high school as the appellant wants to obtain a high school diploma. The appellant advised that the appellant attends <reference removed> classes in the afternoons and the appellant also has three periods of <reference removed>. The appellant would like to be a <reference removed> and stated that one of the requirements for the program is completion of high school. The appellant said the appellant tried to apply for education funding through <reference removed>, however the appellant had missed the April deadline.

The Manitoba Assistance Act Section 5.4.(1) and 5.4 states:

#### Obligations re employment

5.4(1) A person applying for or receiving income assistance or general assistance and a prescribed dependant of that person has an obligation to satisfy the director that he or she

- a. has met the employment obligations set out in the regulations that he or she is required to meet; and
- b. has undertaken any employability enhancement measure as set out in the regulations that he or she is required to undertake.

Where employment obligations not met 5.4(2) If an applicant, recipient or dependant fails to satisfy the director under subsection (1), the director may deny, reduce, suspend or discontinue the income assistance or general assistance otherwise payable, in accordance with the regulations.

After carefully considering 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 did not advise the Department that the appellant wanted to attend high school as a mature student. The appellant has had sufficient opportunity between the appellant's file closure in <date removed> to the appellant's current application to demonstrate employment efforts and cooperation in this regard. When the appellant was asked at the point of intake if the appellant would be willing to work with the program in regards to work expectations the appellant advised the Department that the appellant had no intention of considering other programming.

Therefore the decision of the Director to cancel the appellant's income assistance has been confirmed, and this appeal has been dismissed.

#### **DISCLAIMER**

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