

Reasons for Decision:

Order # AP1516-0357

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 file was closed on <date removed> due to non-compliance with the <pre-employment program>. The appellant has worked with the centre for ten months, 6 months with <pre-employment program>. and 4 months with <pre-employment program>. In the appellant's action plan the appellant was made aware of the Department's job expectations and failure to comply may result in file closure. <Pre-employment program> advised the Department that although the appellant's attendance was decent, the appellant presented regularly with a lack of motivation or interest in securing employment. The appellant was then referred to the <pre-employment program>. After four months they reported to the Department that the appellant's attendance/motivation was not up to expectation. The appellant advised the appellant's employment counsellor on <date removed> that the appellant would no longer be attending the program due to medical concerns. The appellant returned to the program on <date removed> and advised that the medical tests were cleared and the appellant would be actively seeking employment. As of <date removed> the appellant has not returned. The Department provided a history of the appellant's non-attendance and non-compliance of scheduled appointments going back to <date removed>. The appellant's file was closed on <date removed> and the appellant has been referred to the Job Centre.

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.

The appellant attended the hearing with a support worker. The appellant reported that the appellant has been trying to obtain employment and has not been successful. The appellant stated that the appellant only has a grade <reference removed> education as well as a <reference removed> which limits who is willing to hire the appellant. This causes the appellant anxiety. The appellant said the employment programs were not helping the appellant as they were just sending the appellant to job fairs and instructing the appellant to review posted job bulletins. The appellant advised that the appellant has been attending the Job Centre since <date removed> and enjoys working with them. While attending the appellant receives food vouchers and bus tickets.

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 employment programs advised the Department on several occasions of the appellant's attendance issues and lack of interest and motivation. 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 the Board encourages the appellant to reapply for benefits.

DISCLAIMER

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