

Reasons for Decision:

Order # AP1617-0069

The appellants appealed that their application for funeral benefits, on behalf of their adult child was denied.

At the hearing, the appellant provided a statement of their adult child's financial resources which was accepted into evidence and accepted by the EIA program representative as accurately representative of those resources.

The appellant indicated that their adult child was receiving income assistance disability benefits since <text removed> when the adult child was diagnosed with a <text removed> and lived with them for the last <text removed> of life from <text removed> until death on <text removed>. The adult child's <text removed> social worker notified the income assistance worker that the adult child was terminally ill, requesting exemption of the requirement of income declaration. The appellant notified the program of the adult child's death on <text removed>, the day following the funeral. The parents were not made aware of any funeral coverage benefits by the program and learned much later when reading up on income assistance benefits online. The parents attended the income assistance office to apply for funeral cost coverage on <date removed> . They declared to the program that there was <amount removed> in their adult child's daily chequing account which represented <text removed> of income assistance benefits which were deposited into the account on <dates removed>.

Income assistance benefits for <text removed> had been withheld by the program pending receipt of income declaration forms. This matter was eventually cleared up by the social worker and the withheld benefits and <date removed> benefits were deposited in late <date removed> into the adult child's bank account. The adult child passed away just a couple days later. In the absence of EIA benefits during <text removed>, the adult child's parents covered all the expenses, which they reported, well exceeded the benefits that eventually arrived and which remained in the adult child's account. Expenses included basic needs, some home modifications to accommodate a <text removed>, assistive equipment, caregivers' allowances, and prescribed medications not covered by the Program. The parents also advised at the time of application there was <text removed> in a <text removed> trust account which is an exempt asset when determining EIA eligibility. The Trust has since been disbursed to the adult child's siblings. Also held at the time of application was <amount removed> in a tax-free savings account which was subsequently used to help pay for the adult child's care. The parents also applied for and received <amount removed> in death benefits from Canada Pension Plan (CPP). The appellant stated that their EIA application was denied as the program said that the funds in the adult child's bank account at the time of application exceeded the maximum amount eligible for funeral

coverage from Income Assistance. They request that all the EIA funds deposited into the adult child's account just days before the adult child's death as well as the adult child's TFSA funds be exempted under the program's liquid asset exemption and that they be reimbursed for the adult child's funeral costs.

The Department representative reported that the adult child's EIA file was active from <text removed> to <text removed>. The adult child's parent contacted the program to advise that the adult child had passed away on <date removed>. The program closed the adult child's file following a telephone call from the adult child's sibling expressing concern that the adult child's file was still open and correspondence continued to be issued to the adult child. The program stated that they had understood that call as a request to close the adult child's file.

On <date removed>, the adult child's parents attended an appointment with the program to apply for funeral benefits. They advised they had paid <amount removed> in funeral expenses and provided a copy of the invoice which included items not eligible for coverage, including flowers, obituaries and memorial folders. The adult child's chequing account balance was confirmed at the time of application to be <amount removed>. The program considered this amount alone was well in excess of the allowable amount for funeral expenses and denied the application. The program advised that they did not take into consideration any other amounts declared such as the <amount removed> in the tax free savings account as well as the exempted trust fund. They noted that the parents also received CPP benefits of <amount removed> which is considered in total when determining eligibility. The parents were advised that the maximum amount the family would be eligible for funeral coverage is <amount removed>. As the available resources taken into consideration are in excess of the actual amount requested, the family was not eligible for any funds.

At the hearing, the program representative confirmed that the financial information listed on the application for assistance was suspect and that the handout distributed by the parents at the hearing is an acceptable representation of financial assets. The program representative reported that provision for a liquid asset exemption is not provided upon a one-time application, which is what an application for funeral benefits is. The program considers those funds that were in the adult child's chequing account (deposited by the Program) were considered as available resources at the time of death regardless of when the deposits were made. All of the adult child's assets except the trust would have been considered as available assets.

Section 23.1.3 of The Employment and Income Assistance Regulation states: The approved services and fees for a funeral are determined in accordance with EIA's agreement with the Manitoba Funeral Services Association.

When assessing requests for funeral benefits, all of the deceased's financial resources should be considered, including: any CPP death benefit, any final OAS/GIS payment, liquid assets, and any other resources such as a funeral plan or the Last Post Fund. As outlined below, consideration should be given to

obligations to pay for final basic needs to wind-up the deceased's affairs (for example, a last rent payment, utility payments or moving costs).

If the deceased was not an EIA participant at the time of his/her death, and the person's resources are sufficient to cover the cost of a funeral, having taken into consideration obligations for final basic needs expenditures, the application should be denied. The applicant should be advised that he/she can apply for the deceased's CPP death benefit and any other benefits to which the person may be entitled.

After carefully considering the written and verbal information the Board has determined that the program has incorrectly determined that the adult child's family was not eligible for any funeral costs.

The adult child's income assistance benefits for <text removed> months were deposited into the adult child's account just days before the adult child's death. Under the above- noted Regulation Section 23.1.3. the Board considers these funds due the parents as an obligation of final basic needs in winding up the deceased's affairs. The parents financially supported their adult child during the final months, however, given the circumstances of their adult child's health and subsequent death, did not, and could not have been expected to immediately remove the deposited funds from the adult child's account to repay themselves. These monies were intended and provided for the care of the adult child, which the parents provided.

The Board finds that the TFSA account and the CPP death benefits are financial resources not exempt from consideration in calculation of eligibility for funeral benefits. Therefore the Board has varied the decision of the Director and exempts <amount removed> which were income assistance benefits exempted to wind up the deceased's affairs. The Board orders the Program to provide funeral benefits of the guideline amount (\$1,990.10) less the CPP death benefit amount of <amount removed> and less the available funds in the TFSA account of <amount removed>, and to pay the balance of <amount removed> to the family.

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