

Reasons for Decision:

Order #AP1617-0599

The appellant appealed that the appellant's application for income assistance was denied.

The appellant applied for income assistance benefits on <date removed>. Previously the appellant had been employed by <text removed> since <text removed>. The appellant advised the intake worker that the appellant was let go of the appellant's job because the appellant had lost the appellant's driver's license and the appellant required a license for the job. The appellant's Record of Employment stated that the appellant quit the job. The program determined that the appellant lost the employment without just cause and therefore determined that the appellant was not eligible for income assistance benefits. It is the program's position that because the appellant made a decision to drive impaired which led to the appellant's loss of license, which resulted in the loss of a job which the appellant reasonably could have held, the appellant is not eligible for income assistance benefits.

The program stated that they referred the appellant to the Job Centre, and that the appellant was advised that if the appellant could attend the Job Centre for two weeks the appellant could establish eligibility for the program.

The appellant stated that at the time that the appellant lost the license the appellant went to the employer to advise them that the appellant did not have a license. The appellant stated that the appellant knew there weren't any jobs available that the appellant would be able to do without a license, so the appellant advised the employer and indicated that the appellant understood that the appellant would not be able to continue working due to not having a license. The appellant stated that the employer gave the appellant a paper to sign, which was a resignation letter, and this is why the appellant's Record of Employment states the appellant quit. However the appellant stated that the appellant never actually used those words, it was more an acknowledgement that the appellant couldn't continue in the job.

The appellant stated that the appellant received the letter advising the appellant to contact the Job Centre on the same day that the appointment was for, so the appellant had already missed the appointment at that point. The appellant stated the appellant called both the Job Centre Worker and the Intake worker to try and reschedule, but the appellant was never called back. The appellant was not aware that this option was available to the appellant on an ongoing basis. The appellant stated that the appellant has been diligently looking for work, but as the only job the appellant has ever done is <text removed>, it is hard to find a job in that field without a driver's license.

The appellant's legal counsel argued that although the Regulation indicates that a person applying for income assistance must satisfy that they have not quit or been fired from a job that might reasonably have been held, the word quit is not defined in the regulation. Legal counsel argued that the client did not intentionally quit employment, and a person should not be denied income assistance due to a pending criminal charge.

After carefully considering the written and verbal information the Board has determined that the appellant did have a sufficient reason to leave the employment. The Department has developed policies to help income assistance workers determine whether or not a person might have reasonably held a job. This is referred to as their "Just Cause" policy and is outlined in Section 6.5.4 of their Employment and Income Assistance Policy Manual. One of the listed reasons for leaving employment for just cause is in situations where, "the individual does not have the skills to perform the job duties". As the appellant was required to have a driver's license and no longer had a valid driver's license the Board has determined that the appellant did leave employment for just cause. The appellant is taking the steps needed to get the license returned, but this will take a significant period of time. In the meantime the appellant is willing and able to accept any offer of reasonable employment offered to the appellant, including casual labour. Therefore the Board has rescinded the decision of the Director and orders that the appellant be enrolled on general assistance for basic needs and rent effective <date removed>.

One member has dissented on this decision.

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