

**Reasons for Decision:**

**Order # AP1617-0656**

The program representative stated that the appellant applied for Employment and Income Assistance (EIA) on <date removed>. The appellant was requested to provide a Record of Employment (ROE) or confirmation from the appellant's last employer regarding the reason as to why and when the employment ended. The appellant advised the program that the appellant hasn't worked since <date removed> due to a decrease in work hours. A letter was sent to the appellant on <date removed> advising the appellant is to submit an income declaration or a paystub in order to have the appellant's benefits released. On <date removed> the appellant called the worker to enquire about the appellant's benefits. The appellant was advised that the benefits were not issued as the income declaration form was not received or any other income related documentation. The worker contacted the appellant's employer and the employer verified that the appellant did not receive any work hours since <date removed>. Upon receiving that confirmation, the program released benefits on <date removed>. The appellant called the worker the following day to enquire if the benefits were issued by direct deposit as the appellant had requested. The worker advised the appellant that the benefits were sent by mail due to a missed entry in their system, however without the error the direct deposit would still take two days to be in the appellant's bank account.

The worker apologized for the error and advised that future benefits will be direct deposited. The appellant advised the worker that due to the benefits not being direct deposited, the appellant's automatic payments have been returned and cancelled and the appellant's bank has charged fees for insufficient funds in the appellant's account.

The appellant requested to have the bank fees covered and the appellant's request was denied due to the program not having income verification until <date removed>.

The appellant stated the appellant did not receive the program's letter of <date removed> and didn't become aware of it until the appellant received the appeal report from the program. The appellant submitted various documents at the hearing, which were accepted into evidence with no objection from the program. These documents include, but are not limited to, a written statement at the hearing, final pay stubs, a copy of a void cheque for direct deposit provided to the program at the intake appointment and an action plan stating that the appellant is required to submit an ROE or equivalent. This action plan has no mention of the requirement to submit an income declaration form. The appellant advised the program that the appellant doesn't have an ROE from the employer and has filed a complaint with Employment Standards. At intake the program confirmed with the employer the appellant's last day worked and the appellant was provided a prorated cheque for <month removed> and a budget letter. The appellant stated that at no time was the appellant advised of a requirement

to provide an income declaration form or received any such form at the intake appointment or in the mail. The appellant had a meeting with the worker on <date removed> and has had several conversations with the worker and asked if the documents the appellant submitted at the intake appointment were sufficient. The worker advised the appellant that they were. The appellant was regularly checking the bank as there were automatic withdrawals coming out on <date removed> and discovered there was still no deposit from Income Assistance. When the appellant called the worker to question the deposit the appellant was advised it was mailed out in error. The appellant was charged bank fees due to the deposit from Income Assistance not being there in time for the automatic withdrawals, however the appellant was able to have the bank fees reduced to \$34.90, which they were originally \$165.00, and requests the program cover these fees.

After carefully reviewing the written and verbal information, the Board has determined that the Department erred in not covering the appellant's bank fees. The Board finds there has been a lack of specific communication to the appellant of the income declaration requirement. The program verified with the appellant's employer on <date removed> to release the benefits. The program wanted an income declaration form for the period <text removed> in order to release <text removed> benefits. There is nothing in the appellant's action plan that states the appellant is required to submit monthly income declaration forms, nor does the letter of <date removed> provide when the form is required by, even if the appellant had received the letter. Therefore the Board has rescinded the decision of the Director and orders the Department to cover the cost of the \$34.95 bank fees.

## **DISCLAIMER**

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