

Reasons for Decision:

Order #AP1718-0372

The appellant appealed that the amount of assistance the appellant was receiving was insufficient due to the deduction of the appellant's spouse's income from the monthly budget.

The appellant arrived in the country in <month removed>, and the appellant's spouse and child remain living in <country removed>. The couple is physically separated, but still consider themselves to be in a marital relationship. The appellant's spouse has a full time job. The appellant was originally enrolled on income assistance in <month removed>, but due to financial assets the income assistance file was closed. It was reopened on <date removed>, and this appeal relates to the appellant's eligibility from that date only.

The program advised that as the appellant is legally married, the appellant's eligibility for assistance is considered as a family unit. However, as the appellant's spouse and child do not reside in Manitoba, they are not eligible for any income assistance benefits. The program has established a budget for the appellant based on a single person's budget. They allotted the appellant \$563 for rent and \$210 for basic needs for a total of \$773 per month. The appellant is required to report the appellant's spouse's monthly earnings, which affects the appellant's eligibility. The Manitoba Assistance Regulation allows for an exemption on earnings. In the first month of enrollment the work exemption is \$200. In the second and subsequent months the amount of the work exemption increases by an additional 30% for any earnings over \$200.

The program representatives stated at the hearing that they do not allow for any living expenses for the appellant's spouse and child as they do not have eligibility for any income assistance benefits.

The appellant indicated at the hearing that the appellant's spouse is struggling to survive on the income the spouse is earning in the <text removed>, and cannot afford to send anything to the appellant. The appellant indicated in the appeal that the appellant needs enough money to pay rent and buy food.

The Manitoba Assistance Act states:

Eligibility for income assistance and general assistance
4(1) subject to this section, an applicant is eligible to receive income assistance or general assistance if the financial resources of his or her household are less than the cost of basic necessities and the shelter costs for his or her household.

After carefully considering the written and verbal information, the Board has determined that although the program has correctly calculated the financial resources of the appellant's household, they have not given proper consideration to the cost of basic necessities and the shelter costs of the household. The Board understands that the program cannot provide income assistance to the appellant's spouse and child as they do not reside here. However, the appellant's spouse should be allowed to use the funds the spouse is earning towards the cost of the spouse's basic needs and shelter. It is the Board's position that an exemption on the spouse's earnings should be allowed for a reasonable amount for basic needs and shelter. The Board finds it would be reasonable to allow an exemption on the spouse's earnings (or an addition onto the budget manually) equivalent to what the budget would be for a single person with children if they were enrolled on income assistance. The decision of the Director has therefore been varied. The Board orders that the cost of reasonable living expenses be exempted from the household financial resources as demonstrated in the following example.

For example: If the spouse earned 2000

Work incentive \$740

Budget for spouse and child: \$369.40 basic needs plus \$758 shelter = \$1127.40

Total exemption from earnings: \$1867.40

Amount of earnings that would affect the appellant's eligibility would be \$2000 - \$1867.40 = \$132.60

Budget for the appellant: \$773 minus portion of spouse's earnings \$132.60 = \$640.40

This is only an example as the correct figures would need to be calculated based on actual budgets and earnings.

DISCLAIMER

These are electronic copies of the Reasons for Decision issued by the Social Services Appeal Board. These written reasons have been edited to protect the personal information of individuals by removing personal identifiers.