

Reasons for Decision:

Order # AP1920-0538

On <date removed>, <name removed> filed an appeal of the decision of the Director, Centralized Services to close their file. The decision letter was dated <date removed>.

The decision letter stated <name removed>'s file was closed because they failed to follow through with the job search requirements of their action plan.

The Department told the Board <name removed> completed a post-secondary education course financed by the Department of Education and Training in <year removed>. At that time, the Department agreed that <name removed> conduct their own job search.

The Department referenced the extensive chronology of events listed in the Department's written report. In the two years following the completion of the post-secondary program, <name removed> received a number of programs and supports, but was unable to find a job.

In <date removed>, the Department referred <name removed> to Opportunities for Employment (OFE). The appellant subsequently was referred to the Osborne Village Resource Centre (OVRC) and Knox Employment Entry (KEE). The Department asserted that, over the course of several months, it received consistent feedback from these programs that <name removed> was not interested in anything other than a full-time weekday job paying at least \$15 per hour.

The Department stated it highlighted these issues to <name removed>, but eventually determined they were not going to change their attitude, and their file was closed.

At the hearing, <name removed> told the Board that they has been following job postings for 20 years, and asserted that the current employment environment was the worst they had ever seen.

<name removed> produced job search records, which they asserted showed that the majority of jobs they were applying for paid minimum wage. The appellant acknowledged that the sheets they were referencing were not part of the evidence package, since the searches were conducted after their file closed.

<name removed> told the Board they have not refused any reasonable job offer. The appellant explained had not had any job offers because they could not obtain an interview with any employer. The appellant asserted that they were prepared to work at minimum wage jobs, even if they were part-time. The appellant denied telling the

Department or program staff that they would not accept low-paying part-time work, explaining that they had stated only a preference for higher-paying full-time work.

<name removed> was accompanied at the hearing by <name removed>, the pastor at the church <name removed> volunteered at. The pastor stated that <name removed> volunteered at the church food bank, where they were well-liked. The pastor described <name removed> as a hard worker with a good attitude who takes initiative.

The pastor asserted that <name removed> wanted to work and was frustrated by their inability to get work. The pastor stated they have seen <name removed> become more anxious about the future in recent months.

<name removed> disputed the Department's characterization of their attitude at KEE. He told the Board they have a meeting with a worker at KEE, who noted <name removed> did not have a problem with social skills, the English language or work experience. <name removed> asserted that the worker told him that the KEE program was not a good fit for them. <name removed> asked the worker to communicate that conclusion to the Department, with an assurance they were committed to finding work. However, their file was closed after the meeting.

<name removed> stated they have no money and was facing eviction. The appellant asserted that they did not have family they could fall back on. The appellant reiterated their belief that they have complied with all the Department's expectations.

In response to a question from the Board, <name removed> stated they completed a computer science degree in <year removed>. The appellant noted they had other occupational certifications as well. The appellant asserted that they were unable to get work because of their lack of experience.

<name removed> explained that there was a 15-year gap in their resume between high school and post-secondary education because they were working as a professional musician.

In response to a question from the Board, the pastor stated their church could not provide <name removed> with volunteer experience in computer technology because it was a small church, but suggested that the church community might have opportunities.

The Department noted that the pastor's perspective on <name removed>'s social skills and punctuality differed significantly from the reports the Department received from employment program staff. In particular, <name removed>'s openness to part-time minimum wage jobs was not reported by any program staff they were involved with. The Department representative noted that their own observation of <name removed> corresponded with the observations of program staff.

The Board agrees that the information received by the Department about <name removed>'s participation in employment programs justified their file closure. However,

the Department did not have access to the pastor's assessment at the time it made its decision. The pastor's evidence indicated that <name removed> was capable of a collaborative approach and sustained effort in an environment they felt comfortable in.

At the hearing, <name removed> emphasized the negative consequences of the file closure on their financial situation and mental health. The appellant was more open to accepting a wide variety of jobs than they have previously indicated to the Department. The Board infers that the cancellation of <name removed>'s benefits has resulted in a shift in their thinking in relation to work.

The verbal and written evidence presented at the hearing leads the Board to determine that <name removed> will benefit from a short period of eligibility while they demonstrates that their shift in thinking is sustainable. The Board varies the Director's decision, and directs the Department to enroll <name removed> under Section 5.1 of *The Manitoba Assistance Act* effective <date removed> for a period of six months.

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