

**Reasons for Decision:**

**Order #AP2021-0124**

On July 13, 2020, <name removed> appealed the decision of the Director, St. Boniface/St. Vital to close their file and assess an overpayment. The decision letter was dated <date removed>.

The decision letter did not provide a reason for the closure and overpayment.

<name removed> told the Board the Department told them the closure and overpayment was because they received \$4,000 from Employment Insurance (EI). <name removed> stated they did not receive \$4,000 from EI; they received \$4,000 from the Canada Emergency Response Benefit (CERB).

The Department asserted that it became aware of the income through a report from the EI program. EI benefits are treated as unearned income and deducted dollar-for-dollar from assistance benefits.

The amount of money <name removed> received rendered them ineligible for assistance in <month removed>, but that assistance had already been paid, resulting in an overpayment. As the excess income carried forward rendered <name removed> ineligible for assistance in <month removed>, their file was closed.

In response to a question from the Board, <name removed> asserted that they were not aware the CERB benefit would affect their eligibility for income assistance. The appellant stated the current public health emergency had created an extreme situation with rising costs, and the Manitoba government did not provide additional support.

The Department asserted that <name removed> did not qualify for CERB payments because they did not have \$5,000 in work-related income in the past 12 months, and had not experienced a reduction in work hours due to the current public health emergency. <name removed> stated he applied for CERB by telephone and the federal representative did not ask if they met those conditions.

The Department told the Board the case notes on <name removed>'s file indicate that their worker asked about the source of funds, and <name removed> confirmed that the payments were from EI. The Department added that CERB payments are treated as earned income, so the Department would have to recalculate their eligibility if they can demonstrate the payments came from the CERB.

The Board has heard a number of CERB-related appeals. The Board is aware that the eligibility criteria for CERB are:

1. You did not apply for, nor receive, CERB or EI benefits from Service Canada for the same eligibility period
2. You did not quit your job voluntarily
3. You reside in Canada and are at least 15 years old
4. You earned a minimum of \$5,000 (before taxes) in the last 12 months, or in 2019, from one or more of the following sources:
  - a. employment income
  - b. self-employment income
  - c. provincial benefit payments related to maternity or parental leave
5. One of the following:
  - a. Your work hours have been reduced because of COVID-19
  - b. You have stopped or will stop working because of COVID 19
  - c. You are unable to work because of COVID-19, for example because you are taking care of someone.

It is evident to the Board from the evidence that they do not meet the second, fourth and fifth eligibility criteria. Furthermore, the Board is aware that CERB applicants must normally attest that they meet these criteria. The Board finds it unusual that <name removed> was not asked if they met these criteria.

Based on the evidence presented by the Department that the income was identified through an EI report, and that <name removed> confirmed that the income was from EI, the Board confirms the Department's decision to close <name removed>'s file and assess an overpayment.

However, if <name removed> provides evidence to the Department that the income came from CERB, then the Department must recalculate their eligibility using the policy on CERB income. Therefore, the Board refers the matter back to the Department, and orders the Department to recalculate <name removed>'s eligibility and overpayment, if any, if <name removed> provides evidence that the \$4,000 in income was for the Canada Emergency Response Benefit.

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