

Reasons for Decision:

Order #AP2021-0108

On <date removed>, <name removed> filed an appeal of the Director's decision to close their income assistance file. The date of the decision was <date removed>.

The decision letter sent to <name removed> stated the reason for their file being closed was that they were in receipt of the Canadian Emergency Response Benefit (CERB).

<name removed> was accompanied at the hearing by <name removed> and <name removed>.

<name removed> told the Board that they require assistance in order to cover the cost of their rent and their dietary supplements. <name removed> indicated that they would not be able to maintain their housing if they were not in receipt of assistance.

<name removed> indicated that <name removed> received <amount removed> in CERB payments over two months, and had also received <amount removed> in assistance for the same time period. When Life's Journey became aware that <name removed> was receiving the CERB benefit, this information was provided to the Department. Life's Journey requested that the Department treat the CERB payments as an overpayment, in order for them to continue to receive assistance for their rent and dietary needs.

<name removed> stated that only <amount removed> of the CERB benefit could be accounted for. The remaining <amount removed> was withdrawn as cash, and it was determined that <name removed> likely spent this money on illicit substances and alcohol.

<name removed> has a <condition removed>, with an <text removed>, and has an extensive history of substance use that they uses to cope. With their file closed, <name removed> may lose their housing, and be placed into a situation in which they may be exploited.

<name removed> read a letter prepared by Nine Circles on behalf of <name removed>. In summery, the letter highlighted that the application for CERB lacked appropriate gatekeeping mechanisms to prevent those who did not qualify from receiving payments. <name removed> no longer has any of the funds from the CERB payments, and

Employment and Income Assistance is a program to provide for Manitobans, such as <name removed>, who do not have the means to provide for their basic needs. When it closed <name removed>'s file, the Department contradicted its mission statement to improve the lives of Manitobans.

The Department indicated that after being advised that <name removed> was receiving CERB, it requested their bank statements and income declarations. The information that was provided showed that they received <amount removed> in CERB payments, which exceeded their budget for <dates removed>. <name removed>'s file was closed as they were no longer eligible for assistance, and they were informed that they would need to provide the Department with details as to how the CERB funds were spent in order to re-assess their eligibility.

On <date removed>, Life's Journey contacted the Department, and was able to account for <amount removed> of the CERB funds. As the remaining <amount removed> could not be accounted for, <name removed> was found to be ineligible.

In response to a question from the Board, <name removed> stated they did not understand what they were doing when they applied for CERB. The appellant just pushed the button on their phone as they did not understand the eligibility criteria. <name removed> stated it was the understanding of Life's Journey that <name removed> applied for CERB with the assistance of their friends and family. Once Life's Journey became aware that they were receiving the funds, it was immediately reported to the Canada Revenue Agency that they were not eligible for the benefit.

The Board asked <name removed> what the <amount removed> of unaccounted CERB funds were spent on. <name removed> responded, stating they used it on illicit substances and alcohol. The appellant also used some of their CERB funds to purchase clothing and items for their residence.

In response to questions from the Board, the Department indicated that it needs to know how <name removed> spent their CERB funds in order to re-assess their eligibility. This would include providing it with copies of their bank statements. <name removed> can contact the Department's intake staff and explain that the <amount removed> was spent on illicit substances.

The Board notes that it is clearly established that <name removed> received CERB funds in <dates removed>, which were in excess of their assistance budget. The Board acknowledges the verbal evidence that <name removed> spent a considerable amount of these funds on illicit substances, and cannot be accounted for, but notes that it does

not appear that this information was completely disclosed to the Department. The Board encourages <name removed> to work with the Department and to provide it with additional information related to how the CERB funds were used, in order to have their eligibility re-assessed.

Based on a careful review of the written and verbal evidence, the Board determines the Department's closure of <name removed>'s file was consistent with the legislation and regulations. The Board confirms the Director's decision to close the appellant's assistance file.

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