

**Reasons for Decision:**

**Order #AP1617-0550**

The appellant appealed that the appellant's income assistance benefits had been cancelled.

The program representative stated that the appellant was advised by letter on <date removed> to apply for the Federal Old Age Security Pension (OAS) and the Guaranteed Income Supplement (GIS) as the appellant was turning sixty five years of age in <date removed>.

As Employment and Income Assistance is a program of last resort, any other means of support or income must be sought. The appellant is eligible for OAS and GIS at the end of the month following the appellant's 65<sup>th</sup> birthday, <date removed>. The program representative advised that the appellant's income from OAS and GIS would far exceed the appellant's income assistance budget therefore the file was closed for <date removed> as per our Regulation.

The appellant stated that the program didn't consult with the appellant on having to apply for any other benefits. The appellant advised that the appellant has been on income assistance for most of the appellant's adult life and has never been asked to seek alternative sources of income. The appellant adamantly does not want to apply for these federal benefits and wants to continue receiving provincial income assistance benefits, which the appellant advised can support the appellant, just fine.

The Manitoba Assistance Regulation, Part 4, Section 12.1(2) states:

An applicant or recipient and the applicant's or recipient's spouse or common-law partner shall make all reasonable efforts on behalf of himself or herself and any dependants to obtain the maximum amount of compensation, benefits or contribution to support and maintenance that may be available under another Act or program, including an Act of Canada or a program provided by the Government of Canada.

The Manitoba Assistance Regulation, Part 4, Section 12.1(4) states:

Where an obligation described in subsections (1) to (3) is not met, the director may deny, suspend or discontinue income assistance or general assistance or reduce any assistance to which the recipient later becomes entitled by an amount not exceeding the amount that would not otherwise have been paid

After carefully reviewing the written and verbal information, the Board has determined that the requirement to apply for OAS and GIS pensions at age 65 is a legislated requirement. The Board interprets that this section of the regulation is intended to include application for any federal benefits, including OAS and GIS benefits, at the

earliest date on which they are accessible. Those funds are a benefit which is available for support and maintenance and therefore the regulation requires anyone in receipt of income assistance to apply and receive these benefits. The Board also has determined that the appellant was appropriately provided with written notification of this requirement, and provided adequate time to comply with this requirement. Therefore the Board has confirmed the decision of the Director and the appeal has been dismissed

## **DISCLAIMER**

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