

**Reasons for Decision:**

**Order # AP1718-0340**

The appellant appealed that an overpayment of <amount removed> was assessed against the appellant's income assistance file.

The program representative stated that the appellant contacted the program on <date removed> to advise that the appellant had received a bursary in the amount of <amount removed>. The appellant advised the worker that the appellant had a remainder of about

<amount removed> from this bursary after purchasing miscellaneous items and paying off bills. The program received confirmation from the bursary program of the amount of the bursary and that the appellant received the bursary in one full payment. This information was forwarded to Training and Employment Services (TES) as the appellant is in an approved educational program with them. TES advised the appellant's worker that the appellant will be returning for a second year of school and this bursary should be applied to the appellant's second year of tuition.

On <date removed> a letter was sent to the appellant advising that an overpayment has been assessed and that it would be recovered at \$70.00 per month based on the appellant's family size of <text removed>. The appellant's income assistance file was closed effective <date removed> as the appellant is receiving a sponsorship from the <text removed> for future educational needs and is being fully funded by the <text removed>.

The appellant attended the hearing with the appellant's parent who presented on the appellant's behalf. The appellant was not advised that the appellant was expected to use the bursary funds towards the next year of school. When the appellant received the bursary, the appellant's parent stated there was much that was not explained to the appellant. The appellant is trying to do the best for the appellant and the appellant's children, and the appellant and the appellant's parent thought the money was to support the appellant and the appellant's children.

After carefully considering all the written and verbal information presented at the hearing the Board has determined that the program was correct in assessing an overpayment in relation to unearned income as the appellant did in fact receive a lump sum payment which is subject to overpayment requirements. However, due to the lack of communication, the Board believes that the balance of the overpayment should be assessed as a non recoverable overpayment. During an email conversation between the appellant, the TES consultant and the income assistance worker, it was obvious that the appellant was not aware that the appellant was expected to put the bursary money towards the next semester costs. At the hearing, the Board also heard from the appellant's income assistance worker that if the appellant did not spend the money it

would not be considered as an overpayment as it would be applied to the next semester. The Board did not see any evidence that the appellant's award was to be applied towards the next semester, nor was the appellant advised in writing or verbally of any requirements. The Board also factored into its decision that the overpayment has been recovered from the appellant's budget, in \$70.00 installments since <date removed>. The appellant was advised in writing on <date removed> of the overpayment and the recovery rate with no questions or an appeal filed.

Therefore, the decision of the Director has been varied and the Board orders the Department to deem the balance of the appellant's overpayment a non recoverable overpayment.

## **DISCLAIMER**

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