

**Reasons for Decision:**

**Order # AP1718-0417**

The appellant appealed that the appellant's income assistance was cancelled due to excess assets.

The program representative stated that the appellant advised the program in <date removed> that the appellant would be receiving a first part of a settlement in the amount of <amount removed> at the end of <month removed>. The appellant was advised that this money would make the appellant ineligible and the appellant's file was closed for <month removed>. The appellant spoke to a worker in <date removed> and advised that the appellant had spent all or most of the money and the appellant's file was reopened effective <month removed>. The appellant stated that the appellant had heard that the appellant could have kept that money and still been eligible for benefits and requested to be covered for the months of <months removed>. The program discussed the disability trust account and how that would be exempt from the appellant's ongoing benefits for the second portion of the settlement. The appellant was advised that when the appellant receives the remaining portion, not to spend it without consulting with the worker as they can advise what the appellant would need to do in order to continue to be eligible for income assistance. The program stated that the appellant was not eligible for benefits for the months of <months removed> as the appellant received a cash settlement and did not have it in a Disability Trust account.

The appellant stated that the appellant is expecting the second part of the settlement at any time and doesn't want the same thing to happen. The appellant said the appellant should have been advised of the options when the appellant called the worker in <month removed> instead of just being cut off. After carefully considering the written and verbal information, the Board has determined that the program did not advise the appellant of the options with the Disability trust account.

When asked at the hearing if there was any documentation that the appellant was advised of the options, the program representatives said they did not see any. The appellant called the worker in <month removed> to advise of the settlement the appellant will be receiving and the amount. The program indicated in their report that they have been in communication with the appellant so that they can advise the appellant what the appellant would need to do with the second part of the settlement in order to continue to be eligible for benefits. However, the program did not take those steps when they were notified of the appellant's settlement in <month removed>. The program only said that they advised the appellant that the money would make the appellant ineligible for continued benefits and closed the appellant's file. Therefore, the Board has rescinded the decision of the Director and orders the Department to re-instate the appellant's <months removed> benefits.