

**Reasons for Decision:**

**Order #AP1718-0441**

The appellant appealed the amount of income assistance the appellant is receiving and that the appellant did not receive any benefits for the month of <month removed>.

The appellant arrived in Canada on <date removed> as a refugee claimant. The appellant's spouse and <text removed> children remain in <country removed>, where the appellant's spouse continued to work. The program determined that as the appellant was in a marital relationship, the spouse's earnings would affect the appellant's eligibility for income assistance, and the appellant was required to report the spouse's income each month. The program provided an income assistance budget for two people (they did not include any amounts for the children) which consisted of a two person rental rate of \$639 and a childless couple basic needs amount of \$340 for a total of \$979.

For the month of <month removed> the spouse declared gross earnings of <amount removed> for three paycheques the spouse received in the month. The program determined that after a work incentive exemption of <amount removed>, <amount removed> would apply to the appellant's budget. As the appellant's budget was less than this amount, the appellant did not receive any funds for the month of <month removed>.

At the hearing the appellant indicated that the appellant's spouse needs all the funds the spouse earns. In addition to the spouse's earnings the spouse receives <amount removed> a month in assistance from the <text removed>. The appellant stated that the spouse only worked during the school year, and the spouse will be quitting the spouse's job and moving to <location removed> at the end of <month removed>. The appellant is hoping the family will be coming to visit the appellant soon. Since the appellant arrived in Canada, the spouse has not sent the appellant any funds, as the spouse told the appellant the spouse has no money to send to the appellant. The appellant's landlord is very upset that the appellant has not paid <month removed> rent. The appellant has relied on friends to feed the appellant.

The Manitoba Assistance Act states:

Eligibility for income assistance and general assistance

- 4(1) subject to this section, an applicant is eligible to receive income assistance or general assistance if the financial resources of his or her household are less than the cost of basic necessities and the shelter costs for his or her household.

Under the definitions in the Act, a "household" is defined as the applicant or recipient and all dependents of the applicant or recipient.

After carefully considering the written and verbal information, the Board has determined that the Employment and Income Assistance Program has not properly determined the cost of basic necessities and shelter costs for the appellant's household. The Board has determined that the appellant's household consists of the appellant, the spouse, and dependent children. Therefore, when the program is determining the costs of basic necessities and shelter costs they must look at a household of two adults and <number of children removed> children. The appellant's spouse is currently working, however the spouse also seeks the assistance of government aid to help the spouse meet the cost of basic necessities and shelter costs for the spouse and the children. In determining the financial resources available to the appellant from the spouse's earnings, the program needs to take into account what portion of earnings the spouse requires to meet the basic needs and shelter costs for the spouse and the children in addition to the costs of basic needs and shelter costs for the appellant.

The Board believes it is reasonable to allow the spouse an amount equivalent to what one parent with <number removed> children would receive on income assistance in Manitoba. Any funds remaining could then be considered a financial resource available to meet the basic needs and shelter costs of the appellant. The decision of the Director is therefore varied, and the Board orders that the appellant's eligibility be recalculated allowing an exemption for the appellant's spouse and children's reasonable living expenses.

## **DISCLAIMER**

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