



August 18, 2014

SR #:Number (if applicable)

Case #:Number (if applicable)

MIS Case #: Number (if applicable)

Client Name
1010 Street Address
City, BC X1X 1X1

Dear Client Name:

The Employment and Assistance Regulations section 38(2) states that the family unit of an applicant or recipient is ineligible for assistance for three benefit months if the applicant or recipient was convicted of an offence under the Criminal Code in relation to obtaining money under a former Act by fraud or false or misleading representations or was convicted of an offence under former regulation.

This letter is to inform you that as a result of your conviction on August 1, 2014 under a former Act you are ineligible for assistance for three benefit months.

The *Employment and Assistance Act* section 27 states that you must repay the amount of benefits which you were not eligible to receive and that the government may recover that amount by making deductions from assistance payments or through the civil court

You may be eligible to receive repayable Hardship Assistance if you have dependent children and/or are in need of assistance while under this sanction. To apply, contact your local Employment and Assistance Office.

The Ministry of Social Development and Social Innovation operates under the authority of the *Employment and Assistance Act* and Regulations, and the *Employment and Assistance for Persons with Disabilities Act* and Regulations.

**Ministry of Social
Development and
Social Innovation**

**Prevention and Loss
Management Services
Branch**

Mailing Address
PO Box 9958 Stn Prov Govt,
Victoria, BC V8W 9R4

Telephone: Office Phone
Fascimile: Office Fax

If you are dissatisfied with this decision, you can ask the ministry to reconsider it. You have 20 business days from the day you receive this letter to submit a complete Request for Reconsideration form. You may obtain this form and all the information the ministry considered to make this decision from the ministry office located at Office Physical Address. If you are unable to attend the office in person to pick up the form, you may call the office at Office Phone, and request that one be mailed to you. For more information, please refer to the enclosed Reconsiderations and Appeals brochure.

If you have questions or require further information, please contact me at Worker Number.

Sincerely,

Worker Name
Ministry Investigator
Special Provincial Constable

HR3201 (14/08/18)

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Applicable legislation:
Employment and Assistance Act

Regulations prescribing ineligibility in relation to former or other Act

38. The Lieutenant Governor in Council may make regulations prescribing consequences for a family unit, including periods of ineligibility for income assistance or hardship assistance under this Act, for any of the following:
- (a) a conviction of a person in the family unit under the Criminal Code in relation to obtaining money by fraud or false or misleading representation under a former Act or the Disability Benefits Program Act;
 - (b) a conviction of a person in the family unit for an offence under a former Act or the Disability Benefits Program Act;
 - (c) a written acknowledgment by a person in the family unit of receiving income assistance, a youth allowance, hardship assistance or a benefit under a former Act, or a disability allowance or benefit under the Disability Benefits Program Act, to which the person was not eligible and that was not paid or provided in error;
 - (d) a judgment obtained by the government in an action for debt against a person in the family unit for obtaining income assistance, a youth allowance, hardship assistance or a benefit under a former Act, or a disability allowance or benefit under the Disability Benefits Program Act, to which the person was not eligible and that was not paid or provided in error.

**Employment and Assistance Regulation
Consequences for conviction, etc. under a former Act**

- 38 (1) For the purposes of this section
- (a) “benefit month” means a month for which, but for this section or a declaration under this section, a family unit would otherwise be eligible for income assistance or a supplement, and
 - (b) the 3 benefit months referred to in subsections (2) and (3) need not be consecutive.
- (2) The family unit of an applicant or recipient is not eligible for income assistance or supplements for 3 benefit months if the applicant or recipient
- (a) was convicted of an offence under section 22 (1) of the BC Benefits (Income Assistance) Act, section 11 (1) of the Disability Benefits Program Act or section 13 (1) of the BC Benefits (Youth Works) Act, as those provisions read immediately before their repeal, or
 - (b) was convicted of an offence under the Criminal Code in relation to obtaining, by fraud or false or misleading representations, money under a former Act or the Disability Benefits Program Act.
- (3) The minister may declare a family unit ineligible for income assistance or supplements for 3 benefit months if a court gives judgment in favour of the government in an action for debt against an applicant or a recipient in the family unit for money obtained under a former Act or the Disability Benefits Program Act to which he or she was not entitled, unless the money was paid in error. (BC Reg. 193/2006)
- (4) No family unit is, or may be declared, ineligible under this section on the basis of a conviction secured or a judgment given before March 13, 1997. (BC Reg. 193/2006)