



August 11, 2015

SR #: Number (if applicable)

Case #: Number (if applicable)

MIS Case #: Number (if applicable)

Client Name
1010 Street Address
City, BC V8V 8V8

Dear Client Name:

The *Employment and Assistance Act* subsections 28 (1) (b) and (4), and the *Employment and Assistance Regulation* 89 (3) and (5) set out consequences that are applied when a person is convicted of an offence under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act* in relation to obtaining money by providing false or misleading information. This letter is to inform you that as a result of your conviction of an offence under the *Employment and Assistance Act* on July 30, 2015, you are subject to a deduction of \$100 per month from your future assistance.

As this is your first conviction under either the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*, the deduction will be applied for 12 consecutive months or until the amount of debt related to the fraud has been reached, whichever is shorter. As you have had a prior conviction, the amount also includes the outstanding fraud debt related to that conviction.

The fraud debt related to this conviction may include:

- Amounts determined by the court as a criminal restitution amount
- Amounts determined as debt to the government by civil judgment, and/or
- Amounts determined by the ministry as an overpayment.

The amount of your fraud debt related to this conviction is \$500.00. The amount of your outstanding fraud debt from prior convictions is \$300.00.

The *Employment and Assistance Act* subsection 27 (1) states that you must repay the amount of assistance that you were not eligible to receive. As with all debts, this fraud debt may be recovered by deductions from future assistance, the civil court process or through a collection agency.

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
2752 East 41st Avenue,
Vancouver, BC V5R 2X1

Telephone: Office Phone
Fascimile: Office Phone

If you are dissatisfied with the decision, you may ask the ministry to reconsider it. You have 20 business days from the day you receive this letter to submit a completed Request for Reconsideration form. You may obtain this form and all the information the ministry considered to make this decision by contacting the ministry. For more information, please refer to the enclosed Reconsiderations and Appeals brochure.

Employment and Assistance Regulation 89.1 (3) provides for exemptions from this deduction. To request an exemption, contact the ministry. The ministry will review your case to determine if you meet the deduction exemption criteria.

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

Sincerely,

Worker Name
Ministry Investigator
Special Provincial Constable

HR3311 (15/08/10)

Enclosure(s): Applicable legislation

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Applicable legislation:

Employment and Assistance Act

Overpayments

27. (1) If income assistance, hardship assistance or a supplement is provided to or for a family unit that is not eligible for it, recipients who are members of the family unit during the period for which the overpayment is provided are liable to repay to the government the amount or value of the overpayment provided for that period.

Liability for and recovery of debts under Act

28. (1) An amount that a person is liable to repay under this Act is a debt due to the government that may be
- (a) recovered in a court that has jurisdiction, or
 - (b) deducted in accordance with the regulations, from any subsequent income assistance, hardship assistance or supplement for which the person's family unit is eligible or from an amount payable to the person by the government under a prescribed enactment.
- (4) A person is jointly and separately liable for a debt referred to under subsection (1) that accrued in respect of a family unit while the person was a recipient in the family unit..

Employment and Assistance Regulation

Deductions for debts owed

- 89 (3) For a family unit that includes one or more recipients who are liable for one or more offence overpayments, the minimum amount that is to be deducted for the purposes of section 28 (1) (b) of the Act for a benefit month is
- (a) \$100 for each recipient in the family unit whose conviction for a criminal code offence or Act offence resulted in an offence overpayment, or
 - (b) if the balance of the amounts of offence overpayments in relation to a recipient in the family unit is less than \$100, that balance in relation to that recipient.
- (5) A deduction under subsection (3) in relation to an offence overpayment provided to or for a family unit as a result of an Act offence
- (a) begins for the first benefit month following the date the recipient is convicted of the Act offence, and
 - (b) continues, unless the amount of the offence overpayment is earlier repaid,
 - (i) after a first conviction of the recipient for an Act offence, until the deduction has been made for 12 consecutive benefit months in relation to the first offence overpayment,
 - (ii) after a second conviction of that recipient for an Act offence, until the deduction has been made for 24 consecutive benefit months in relation to the second offence overpayment, and
 - (iii) after a third or subsequent conviction of that recipient for an Act offence, until the amount of the third or subsequent offence overpayment is repaid.

Exemption from minimum deductions

- 89.1(3) Section 89 (3) does not apply to a family unit for a benefit month if
- (a) the family unit receives income assistance under section 8 of Schedule A for the benefit month,
 - (b) the minister is satisfied that the family unit is homeless or at risk of becoming homeless,
 - (c) the minister is satisfied that a deduction under that section would result in danger to the health of a person in the family unit, or
 - (d) a recipient in the family unit is liable for an offence overpayment but the person convicted of the criminal code offence or Act offence that resulted in the offence overpayment is not a member of the family unit for the benefit month.