



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 Act* subsections 15 (3) and (5), and the Employment and Assistance Regulations section 37 set out sanctions that may be applied when a court has given judgement in favour of the government in an action for debt against a person for obtaining assistance for which he or she was not eligible. This letter is to inform you that as a result of a judgement against you under the *Employment and Assistance Act* on August 1, 2014, you are subject to a sanction. As this is the third or subsequent judgement against you, the sanction will be applied for 12 calendar months.

If you do not have any dependent children living with you, the sanction to be applied will be:

- Ineligibility for assistance if you have no spouse, or if you have a spouse who has also been convicted, or
- Reduction in assistance if you have a spouse who has not been convicted. Please see attached regulation for the amount of the reduction.

If you have one or more dependent children living with you, the sanction to be applied will be:

- Reduction in assistance. Please see attached regulation for the amount of the reduction.

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

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 are ineligible for assistance due to this sanction, you may be eligible to receive Hardship Assistance. 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 have questions or require further information, please contact me at Worker Number.

Sincerely,

Worker Name
Ministry Investigator
Special Provincial Constable

HR3313 (14/08/18)

SAMPLE

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.

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Applicable legislation:

Employment and Assistance Act
Consequences for conviction or judgment in relation to Act

15. (1) A family unit that includes a person who is convicted of an offence under the Criminal Code in relation to obtaining money, under this Act or the Employment and Assistance for Persons with Disabilities Act, by fraud or false or misleading representation is subject to the consequence described in subsection (5) for a family unit that matches the person's family unit for the lifetime of the person, beginning with the first calendar month following the date of the conviction.
- (2) A family unit that includes a person who is convicted of an offence under this Act or the Employment and Assistance for Persons with Disabilities Act is subject to the consequence described in subsection (5) for a family unit that matches the person's family unit, beginning with the first calendar month following the date of conviction,
- (a) after a first conviction, for a period of 12 consecutive months,
 - (b) after a second conviction, for a period of 24 consecutive months, and
 - (c) after a third conviction, for the lifetime of the person.
- (3) If
- (a) Repealed (B.C. Reg. 193/2006)
 - (b) a court has given judgment in favour of the government in an action for debt against a person for obtaining income assistance, hardship assistance or a supplement under this Act, or disability assistance, hardship assistance or a supplement under the Employment and Assistance for Persons with Disabilities Act, for which he or she was not eligible, unless the income assistance, hardship assistance, disability assistance or supplement was provided to or for the person in error, the minister may declare that the person's family unit is subject to the consequence described in subsection (5) for a family unit that matches the person's family unit for the prescribed period, beginning with the first calendar month following the date of the judgment. (B.C. Reg. 193/2006)
- (4) The periods prescribed for the purpose of subsection (3) may vary with the number of applicable judgments. (B.C. Reg. 193/2006)
- (5) If a family unit includes
- (a) only persons described in subsection (1) or (2), or subsection (3) if the minister has made a declaration under that subsection, the family unit is not eligible for income assistance for the applicable period, and
 - (b) one or more persons described in subsection (1) or (2), or subsection (3) if the minister has made a declaration under that subsection, and at least one other person, the amount of income assistance, hardship assistance or a supplement provided to or for the family unit must be reduced by the prescribed amount for the applicable period.

Employment and Assistance Regulation
Declaration under section 15 (3) of the Act respecting judgment

- 37 If the minister has made a declaration under section 15 (3) [consequences for conviction or judgment] of the Act in respect of a family unit, for the purposes of section 15 (5) of the Act, the family unit's assistance for a calendar month must be discontinued or reduced as follows for the period specified:
- (a) if the family unit includes only one or more applicants, or recipients, who have had judgment given against them, and includes no dependent children, the family unit is not eligible for income assistance,
 - (i) after a first judgment, for 3 calendar months,
 - (ii) after a second judgment, for 6 calendar months, and
 - (iii) after a third or subsequent judgment, for 12 calendar months;
 - (b) if the family unit includes a sole applicant or sole recipient who has had a judgment given against him or her, and includes one or more dependent children, the assistance provided to or for the family unit must be reduced by \$100
 - (i) after a first judgment, for 3 calendar months,
 - (ii) after a second judgment, for 6 calendar months, and
 - (iii) after a third or subsequent judgment, for 12 calendar months;
 - (c) if the family unit includes two applicants or recipients, only one of whom has had judgment given against him or her, and includes no dependent children, the assistance provided to or for the family unit must be reduced by \$300
 - (i) after a first judgment, for 3 calendar months,
 - (ii) after a second judgment, for 6 calendar months, and
 - (iii) after a third or subsequent judgment, for 12 calendar months;
 - (d) if the family unit includes two applicants or recipients, only one of whom has had judgment given against him or her, and includes one or more dependent children, the assistance provided to or for the family unit must be reduced by \$100
 - (i) after a first judgment, for 3 calendar months,
 - (ii) after a second judgment, for 6 calendar months, and
 - (iii) after a third or subsequent judgment, for 12 calendar months;
 - (e) if the family unit includes two applicants or recipients, both of whom have had judgment given against them, and includes one or more dependent children, the assistance provided to or for the family unit must be reduced by \$200
 - (i) after a first judgment, for 3 calendar months,
 - (ii) after a second judgment, for 6 calendar months, and
 - (iii) after a third or subsequent judgment, for 12 calendar months.