

**Reasons for Decision:**

**Order # AP1920-0741**

On <date removed>, <name removed> filed an appeal respecting two decisions of the Director – that they were assessed an over payment of <amount removed>, and the amount of assistance provided for their damage deposit was insufficient. The decision letter sent to <name removed> was dated <date removed>.

At the hearing, the Department told the Board that it advised <name removed> that if they received any student aid it would be considered unearned income. As <name removed> was discovered to have received student aid an over payment was assessed on their file.

<name removed> indicated they were told by the Department that they would not have to report any student aid to it. <name removed> also stated in a previous hearing regarding a student aid over payment they were informed that students were entitled to the money for student costs, and it would not be deducted from their assistance budgets. As a result, they had treated all of the student aid received since that hearing with this in mind.

<name removed> stated they have various expenses that come with being a student. The appellant explained that these costs include their tobacco habit, food, supplements, transit fair, an internet plan, and clothing.

<name removed> asserted that they have previously had two hearings on student aid over payments, and in both cases the Board confirmed that the Department could not deduct the loans from their budget. <name removed> argued the Department therefore needs to stop deducting any student funding from their budget.

In response to questions from the Board, <name removed> indicated they needed additional funding to purchase health insurance to cover additional chiropractic expenses not covered by the Department, as well as additional dental and optical coverage. The appellant also required the funding for car repairs and to attend social events, such as concerts, as these types of activities are important for their mental health.

The Board asked <name removed> if they have a funding shortfall for their tuition and books. <name removed> responded, stating that funding for their tuition and books was covered by another agency.

In response to questions from the Board, <name removed> stated they have been a student since <year removed>. The appellant has received an honors degree and had subsequently withdrew from a human resources program, as they felt the program was

politically right wing. <name removed> stated they will be starting a masters of art and cultural studies in <date removed>.

The Board asked <name removed> if they planned to enter the work force. <name removed> responded, stating they have their own business that produces documentaries. The appellant has also worked in the past as a research assistant. <name removed> asserted that according to university policy students are considered workers, and they argued that researchers are responsible for societal advancements and economic growth.

The Board asked <name removed> about their future employment plans. <name removed> responded, indicating they are planning on pursuing their masters, and possibly a Ph.D. in order to become a university level professor.

In response to a question from the Board, <name removed> indicated they received assistance for part of their damage deposit. The appellant was required to pay <amount removed> from their basic needs towards the deposit as they did not receive the portable housing benefit. The Department stated <name removed> received the maximum amount of assistance that could be provided for their damage deposit.

The Board notes that while <name removed> argues that in a decision dated <date removed> a previous Board determined that student aid was not to be deducted from their budget and this decision carried forward with respect to any additional student loans they received, this decision was made on the specific facts of that case and was only relevant to that single circumstance. The Board further notes that <name removed> does not appear to understand that, with the exception of the <date removed> case, all loans, including loans from student aid, need to be assessed by the Department to determine if they are unearned income, and are to be deducted from his assistance budget. On <date removed> a Board accepted this rational, determining <name removed> had been over paid when they received student aid.

With respect to the specific circumstances of the appeal before it, the Board is not satisfied that <name removed> required the student loan for educational expenses. Rather, it appears <name removed> used the loan for personal expenses, and the Board is not convinced by <name removed>'s argument that these expenses be considered indirect educational costs.

With respect to the assistance <name removed> received for a damage deposit, there was no evidence presented to the Board that would suggest that they received less assistance than they were eligible for.

Based on a careful review of the written and verbal evidence, the Board determines the Department correctly assessed an overpayment against <name removed> for unreported unearned income and administered his assistance according to the legislation and regulations with respect to the damage deposit. The Board confirms the

Director's decisions to assess an overpayment on <name removed>'s file and calculating the amount of assistance provided for a damage deposit.

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