

Appeal Number 2025-0327

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Education and Child Care (ministry) Reconsideration Decision dated August 28, 2025, which determined the appellant was not eligible for the Affordable Child Care Benefit for the period between January 1, 2025 and June 30, 2025 according to section 20 of the Early Learning and Child Care Regulation.

Specifically, section 20 of the Early Learning and Child Care Regulation states that child care benefits are paid out from the first day of the month that the application is completed and because the appellant did not apply until July 31, 2025, the ministry determined that the appellant was not eligible.

Part D – Relevant Legislation

Early Learning and Child Care Regulation (Regulation), sections 9 and 20

Relevant sections of the legislation can be found in the Schedule of Legislation at the end of this decision.

Part E – Summary of Facts

The hearing was held as a teleconference on October 14, 2025. The appellant was present. The ministry did not attend the hearing. The hearing proceeded under section 86(b) of the Employment and Assistance Regulation, which permits hearings to proceed in the absence of a party provided they received adequate notice of the hearing. Evidence shows the Notice of Hearing was sent to the ministry on September 26, 2025.

Relevant Evidence Before the Minister at Reconsideration

Ministry Records show:

- On July 31, 2025, the appellant completed an Affordable Child Care Benefit Application.
- The Affordable Child Care Arrangement form shows that child care was provided starting January 1, 2025.
- An Affordable Child Care Benefit Medical Condition form shows child care is needed due to the appellant's partner's temporary illness, which began in May 2025.
- The ministry determined the family was eligible for child care benefits, starting July 1, 2025.

Reason for Request for Reconsideration (received August 15, 2025)

The appellant states she is requesting Affordable Child Care Benefits backpay to May 2025. Her partner has been on medical leave since May 2025 and has been sick/working in a reduced capacity since January 2025.

Her original request for the Affordable Child Care Benefits was effective January 2025 but after studying the ins and outs of the Affordable Child Care Benefit, she feels that May 2025 would be fair. Unfortunately, her partner was diagnosed with Hodgkin's Lymphoma in May 2025. However, it took a while for their doctor to complete and return the form required for the Affordable Child Care Benefit application.

They have been facing quite a bit of hardship as the appellant is the sole provider for the family. Also, her partner is too ill to look after their child and perform household duties. A backpay of the Affordable Child Care Benefit would help relieve some of the debt they have accumulated during her partner's illness and lift some stress off of their family.

As they are experiencing what the appellant feels are extenuating circumstances, they humbly request backpay of the Affordable Child Care Benefit to May 1, 2025.

Affordable Child Care Benefit Medical Condition form (July 11, 2025)

The form is signed by a doctor. It states the medical condition is temporary (April 2025 – April 2026) and child care is required.

Affordable Child Care Benefit Application (July 31, 2025)

The application describes the requirement for child care due to the appellant's employment and her partner's medical condition.

Affordable Child Care Benefit Child Care Arrangement form (July 31, 2025)

The form states the child care provided is licensed group child care.

Letter from the Ministry to the Appellant (August 1, 2025)

The ministry denied the Affordable Child Care Benefits for the period between January 1 and June 30, 2025 and stated the reasons for the denial.

Information Received After Reconsideration

Notice of Appeal (September 23, 2025)

The appellant writes that they would have qualified for Affordable Child Care Benefits, but did not apply in a timely manner due to extenuating circumstances related to her partner's illness. If their doctor had returned the form within a week of their request, they would have been able to complete the application and apply for funding starting June 1, 2025.

Appellant Submission (October 9, 2025)

The appellant states the emails attached show that an administrative error cost them a month of the Affordable Child Care benefit.

Attached emails

May 30, 2025 - from a medical clinic to the appellant's partner. The email states, "As per our conversation, please find your form attached."

June 23, 2025 - from the appellant's partner to the medical clinic stating they have one more form they would like completed by the doctor. The form is attached.

July 7, 2025 - from the appellant's partner to the medical clinic stating they are following up on the form as they hadn't heard anything.

July 7, 2025 - from a medical clinic to the appellant's partner stating the form wasn't attached to the appellant's file and it is now being sent to the doctor.

July 14, 2025 - from a medical clinic to the appellant's partner with the completed form attached.

At Hearing

At the hearing, the appellant stated that she understands the decision is correct according to policy and procedure but is asking for some understanding due to extenuating circumstances. The appellant also confirmed that she is requesting the Affordable Child Care Benefit from May 1 to June 30, 2025 only.

When asked about the purpose of the form the medical clinic sent to her partner on May 30, 2025, the appellant explained that this form was for her partner's job.

Admissibility of New Evidence

The panel determined the additional evidence from the appellant (the submission and at the hearing) is reasonably required for a full and fair disclosure of all matters related to the decision under appeal and therefore is admissible as evidence under section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

The issue on appeal is whether the ministry's Reconsideration Decision was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Specifically, did the ministry reasonably determine the appellant was not eligible for the Affordable Child Care Benefit for the period between January 1 and June 30, 2025 because she did not apply until July 31, 2025?

Appellant Position

The appellant submits that her family has been facing hardship. A backpay of the Affordable Child Care Benefit would help relieve some of the debt they've accumulated during her partner's illness and lift some stress off of their family. If their doctor had returned the required medical form within a week of their request, they would have been able to complete the application and apply for funding starting June 1, 2025.

Ministry Position

The ministry submits that the appellant is not eligible for Affordable Child Care Benefits for the period between January 1 and June 30, 2025 as an Affordable Child Care application was not completed until July 31, 2025. As set out in section 20 of the Regulation, the ministry may only pay child care benefits from the first day of the month in which the parent completes an application under section 9 of the Regulation. In this case, from the first day of July 2025. There is no discretion to pay child care benefits prior to July 1, 2025. The ministry acknowledges that the appellant is now only requesting benefits starting May 1, 2025, due to her partner being off work from May 2025 and a delay in receiving the medical form. However, the ministry is unable to approve this request.

Panel Analysis

Section 9, Regulation - applications and eligibility for childcare benefit

Section 9(1) of the Regulation states that a parent may apply for a child care benefit by completing and submitting an application in the form required by the minister. The panel notes the appellant completed a ministry form for Affordable Child Care Benefits on July 31, 2025.

Section 20, Regulation – when childcare benefit may be paid

Section 20(1) of the Regulation states the minister may pay a child care benefit to a parent from the first day of the month in which the parent completes an application under section 9 of the Regulation. As the appellant completed the Affordable Child Care Benefit

application on July 31, 2025, the panel finds the ministry reasonably determined the appellant is eligible for child care benefits effective July 1, 2025, according to section 20(1) of the Regulation. The appellant does not dispute the date the application was submitted.

Section 20(2) of the Regulation provides an exception where an administrative error is made. The appellant states that if their doctor had returned the form within a week of their request, they would have been able to complete the application and apply for funding starting June 1, 2025. The panel finds this information is insufficient to establish that an administrative error occurred. Although the email from the medical clinic (July 7, 2025) indicates the form was initially missed, the panel finds the amount of time taken to return the completed form to the appellant's partner (approximately two weeks), is not an unreasonable amount of time to process the form. Therefore, the panel finds this delay cannot be considered an administrative error.

The panel acknowledges that the appellant is requesting Affordable Child Care Benefits for the period from May 1 to June 30, 2025. However, the panel's role is to determine whether the ministry decision is reasonable, which covers the period from January 30 to June 30, 2025. As well, the panel acknowledges that the appellant is asking for leniency based on extenuating circumstances. However, the ministry is bound by the legislation and the panel finds the legislation does not allow the ministry discretion for extenuating circumstances. The panel finds the ministry's decision is therefore reasonable.

Conclusion

In conclusion, the panel finds the ministry decision that determined the appellant was not eligible for child care benefits from January 1 to June 30, 2025 was a reasonable application of the legislation in the circumstances of the appellant.

The panel confirms the ministry's Reconsideration Decision and the appellant's appeal is not successful.

Schedule of Legislation

Early Learning and Child Care Regulation

Applications and eligibility for child care benefits

9 (1) Subject to subsection (2), a parent may apply for a child care benefit by completing and submitting to the minister an application in the form required by the minister.

(2) Only one parent in each family unit is eligible to apply for a child care benefit.

(3) An applicant is eligible for a child care benefit only if all of the following apply:

- (a) the applicant is a resident of British Columbia;
- (b) the child care for which the child care benefit is sought by the applicant is received for one or more qualifying reasons set out in section 10;
- (c) the applicant satisfies the citizenship or other requirements set out in section 11;
- (d) unless an exception under section 13 (2) applies in relation to the applicant's child, the applicant's family unit satisfies the income requirements set out in section 12;
- (e) the applicant and the applicant's spouse, if any, supply the minister with the information and records required under section 14;
- (f) the applicant has completed and submitted an application form in accordance with subsection (1).

When child care benefit may be paid

20 (1) The minister may pay a child care benefit to or on behalf of a parent from the first day of the month in which the parent completes an application under section 9 [*applications and eligibility for child care benefits*].

(2) If an administrative error has been made, the minister may pay a child care benefit to or on behalf of a parent for child care provided in the 30 days before the parent completes an application under section 9.

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Part G - Order

The panel decision is: (Check one) **Unanimous** **By Majority**

The Panel **Confirms the Ministry Decision** **Rescinds the Ministry Decision**

If the ministry decision is rescinded, is the panel decision referred back to the Minister for a decision as to amount? Yes

Legislative Authority for the Decision:

Employment and Assistance Act

Section 24(1)(a) or Section 24(1)(b)

Section 24(2)(a) or Section 24(2)(b)

Part H - Signatures

Print Name

Connie Simonsen

Signature of Chair

Date (Year/Month/Day)

2025/10/15

Print Name

Melissa McLean

Signature of Member

Date (Year/Month/Day)

2025/10/16

Print Name

Corrie Campbell

Signature of Member

Date (Year/Month/Day)

2025/10/16