

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "Ministry") Reconsideration Decision of February 7, 2025. The Ministry denied the Appellant's request to replace his December 2024 disability assistance cheque.

The Ministry denied the request as it was unable to establish that the Appellant's December 2024 disability assistance cheque was not endorsed prior to it being cashed, as required by Section 77 of the Employment and Assistance for Persons with Disabilities Regulation.

Part D – Relevant Legislation

Employment and Assistance for People with Disabilities Regulation (the "Regulation"), section 77.

Relevant sections of the Regulation can be found in the Schedule of Legislation at the end of this document.

Part E – Summary of Facts

A hearing was held via teleconference on March 4, 2025. The Appellant was contacted and confirmed that he would not be attending. The Panel confirmed that the Appellant was notified of the time and date of hearing sufficiently in advance. Therefore, the hearing continued with just the Panel and Ministry attending as provided under Section 86(b) of the Employment and Assistance Regulation.

Background

- The Appellant is a sole recipient of disability assistance.
- On December 2, 2024, the Appellant went to the local Ministry office and was given a cheque for his December 2024 disability assistance benefits.
- On December 5, 2024, the Appellant called the Ministry to request a replacement of his December 2024 disability assistance cheque. The Appellant explained that he picked up the cheque at the Ministry office but then lost the cheque before he was able to cash it. When the Ministry asked if the Appellant had signed / endorsed the back of the cheque before it was lost, he could not remember as he was having a bad day. The Ministry reviewed the Appellant's December 2024 disability assistance cheque and noted that it had been cashed. The Appellant advised that he did not cash the cheque.

Information before the Ministry at the time of reconsideration

- A picture showing only a number, which the Appellant stated was the number for a police report submitted for the lost cheque.
- A photocopy of the front and back of the cheque issued to the Appellant, showing that it had been cashed on December 3, 2024, at a cheque-cashing facility.
- Three photos of parts of documents containing a signature which the Ministry says are from the Appellant's Ministry file.
- A photocopy of part of an undated ten-day notice to end tenancy for unpaid rent or utilities that identifies the Appellant as the tenant.
- A Request for Reconsideration form dated December 20, 2024.
 - In the Reasons for Request section, the Appellant says:
 - He has a disability which makes it very difficult for him to write, so his signature is just a scribbly line which is easy to copy.
 - He has had his identification and money stolen many times before.
 - The cheque was cashed without his knowledge or permission.
 - He had not signed the cheque at all.

Information submitted after the Reconsideration Decision

- Notice of Appeal dated February 7, 2025. The Appellant makes no entry in the Reasons for Appeal section of the form.

Testimony at the hearing

- The Appellant
 - The Appellant did not attend.
- The Ministry
 - The Ministry representative reviewed the decision process and, in response to Panel questions, said:
 - The document excerpts containing samples of the Appellant's signature were from: either an employment plan or a repayment agreement, an unidentifiable document, and an application.
 - There was no verification or follow-up of the police report.
 - According to file records, the Appellant normally cashes his cheques at the same cheque-cashing organization.
 - The Ministry personnel who compare the signatures have not received any training in handwriting analysis.

Admissibility of New Evidence

The Panel finds that the oral testimony of the Ministry at the hearing clarified issues related to this appeal. The Panel admits this as evidence pursuant to section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry's Reconsideration Decision denying the Appellant a replacement cheque was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the Appellant.

Section 77 of the Regulation states if the Ministry is satisfied an unendorsed assistance cheque has been lost, the Minister may replace the cheque if the recipient reports the theft, makes a declaration of the facts, and undertakes to deliver the stolen cheque to the ministry if recovered.

Ministry Position

The Ministry is satisfied that the signature on the back of the cheque matches several examples of the Appellant's signature on file. While the Ministry acknowledges that the Appellant's signature could have been replicated to a reasonable likeness, based on the information available, the Ministry is unable to establish that the Appellant's December 2024 disability assistance cheque was not endorsed prior to it being cashed.

Appellant Position

The Appellant's signature is very easy to fake, and he has had people steal his identification and money many times before. It could have been someone who knew him. Or it could be anyone, as his signature is just a scribble because he has a disability that makes it hard to write. The cheque was cashed without the Appellant's knowledge and / or permission. He did not sign it at all and is now behind on rent because of this matter taking so long. He needs his cheque.

Panel's Findings

Section 77 of the Regulation says:

"If satisfied that an unendorsed assistance cheque has been lost or stolen, the minister may issue a replacement as long as,

- (a) in the case of theft, the matter has been reported to police, and
- (b) in the case of loss or theft, the recipient
 - (i) makes a declaration of the facts,
 - (ii) and undertakes to promptly deliver the lost (ii) or stolen cheque to the minister if it is recovered.

There is no dispute that the Appellant satisfied the criteria under subsections (a) and (b) of Section 77 of the Regulation. The Ministry was satisfied that the matter had been reported

to the police, and the Appellant made a declaration that the cheque had been lost or stolen. The undertaking in subsection (b)(ii) was not relevant because the cheque had already cleared and been returned to the Ministry.

The issue relates only to the first portion of Section 77 of the Regulation – “If satisfied that an unendorsed assistance cheque has been lost or stolen...”.

The Ministry interprets this as meaning that they are not authorized to replace a cheque if it has been endorsed. The Panel finds that this interpretation and limitation is a reasonable application of the legislation.

Although the Appellant’s current position is that he never endorsed the cheque, on December 5, 2024, he informed the Ministry that he didn’t know whether he had endorsed the cheque because he had “had a bad day”.

The Appellant has a very simplistic signature. However, the signature endorsing the cheque is very similar to the samples provided by the Ministry and to the Appellant’s signature on the Notice of Appeal.

Based on the inconsistency in the Appellant’s statements, and the strong similarity between the endorsement on the cashed cheque and the sample signatures available, the Panel finds the Ministry reasonably determined that the cheque was not unendorsed by the Appellant.

Summary

The Panel finds that the Ministry is restricted by the applicable legislation in that it cannot replace a lost or stolen cheque that has been endorsed. The Panel also finds that the Ministry reasonably determined that the cheque was not unendorsed by the Appellant.

Conclusion

The Panel confirms the Reconsideration Decision and the Appellant’s appeal is unsuccessful.

Schedule of Legislation

Employment and Assistance for People with Disabilities Regulation

Replacement of lost or stolen assistance cheque

77 If satisfied that an unendorsed assistance cheque has been lost or stolen, the minister may issue a replacement as long as,

- (c) in the case of theft, the matter has been reported to police, and
- (d) in the case of loss or theft, the recipient
 - (iii) makes a declaration of the facts,
 - (iv) and undertakes to promptly deliver the lost (ii) or stolen cheque to the minister if it is recovered.

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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 No

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

Wes Nelson

Signature of Chair

Date (Year/Month/Day)

2025/03/05

Print Name

Gordon Thompson

Signature of Member

Date (Year/Month/Day)

2025/03/05

Print Name

Glenn Prior

Signature of Member

Date (Year/Month/Day)

2025/03/05