

Appeal Number 2025-0143

### **Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) Reconsideration Decision dated February 10, 2025, which determined the appellant was not eligible to have his February 2025 disability assistance cheques replaced because the ministry was unable to establish that an unendorsed assistance cheque was lost or stolen, as required by section 77 of the Employment and Assistance for Persons with Disabilities Regulation.

### **Part D – Relevant Legislation**

Employment and Assistance for Persons with Disabilities Regulation (Regulation), section 77

Employment and Assistance Regulation, section 86(b)

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 May 6, 2025. The appellant did not attend the hearing. After confirming the appellant was notified of 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. A representative for the appellant joined the teleconference but stated they did not know the case and were not comfortable speaking on behalf of the appellant. A ministry representative attended the hearing.

## Relevant Evidence Before the Minister at Reconsideration

### Ministry Records show:

- The appellant is a sole recipient of disability assistance receiving \$1058.50 per month for disability assistance - provided in four cheques (one cheque for \$500.00, and three mid-month cheques for \$179.50).
- On May 15, 2024, the ministry prepared four cheque cashing identification cards for the appellant, which were sent to the four respective banking institutions.
- On January 15, 2025 the ministry provided the appellant with all four February 2025 disability assistance cheques.
- On January 21, 2025, the appellant requested replacements for his February assistance cheques advising that his backpack was stolen and his cheques were inside (not signed or endorsed).
- The ministry reviewed copies of the cheques and denied the appellant's request,

### Reason for Request for Reconsideration (January 30, 2025)

The appellant states that on January 15, 2025 he picked up his cheque late (after 3:30 pm) and arrived at the bank at 5:59 pm, as the door was being locked. He asked the bank manager to confirm or deny that he cashed any cheques. They said he had to get the bank to request copies of each cheque he allegedly signed as they had no record pertaining to any of the cheques numbers he showed them.

### Copy of Appellant's Cheque (January 1, 2025)

The cheque is from BC Employment and Assistance for \$500.00. The back of the cheque is signed, with a date stamp of January 16, 2025 and the number "████████" written.

### Copies of Appellant's Cheques (January 15, 2025)

- The cheques are from BC Employment and Assistance.
- Each cheque is for \$179.50.

- All cheques are signed on the back, have a date stamp of January 16, 2025 and include the number [REDACTED].

#### **Ministry Identification Cards for Appellant (May 15 and 16, 2024)**

The four identification cards (numbers [REDACTED], [REDACTED], [REDACTED], [REDACTED]) include the appellant's name, photo, date of birth, names and addresses of four different banks, and ministry worker signatures.

#### **Information Received After Reconsideration**

##### **Notice of Appeal (April 24, 2025)**

The appellant states he had his February cheques stolen along with his backpack sometime between midnight and 4:00 am. He didn't report it to the police as he didn't realize he had to. The appellant adds that the cheques were not signed by himself and the bank agrees they were not signed by him.

##### **At Hearing**

At the hearing, the ministry explained that if someone has no identification or a bank account, the ministry will issue bank identification cards. Their clients choose which bank the identification cards are tied to. The cards are held by each bank and when someone comes into the bank to cash a cheque, the bank will verify that the person and the identification card match.

The ministry reiterated that as a bank with the same bank number as one of the identification cards cashed the cheques, using the appellant's matching identification number written on the cheque, the ministry determined that the cheques were cashed by the appellant.

The panel determined the above information to be clarification. No new evidence was presented at the hearing.

## 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 to replace his February 2025 disability assistance cheques because the ministry was unable to establish that an unendorsed assistance cheque was lost or stolen?

### **Appellant Position**

The appellant submits that he had his February 2025 cheques stolen along with his backpack. He states he did not sign the cheques and the bank agrees they were not signed by him.

### **Ministry Position**

The ministry submits that upon review of the four cashed cheques, the signature on the back of each cheque looks different than other examples of the appellant's signature on his file. However, signatures can be made to look similar and different, and the appellant's file has very few recent examples of his signature to compare with. Other than the appellant's bank identification card and Request for Reconsideration, all other examples of his signature on file are from 2023 or earlier. As such, the ministry considered additional factors.

A review of the cashed cheques shows they were all cashed at a specific bank on January 16, 2025, and the number [REDACTED] (the appellant's identification card number on file at this bank) was written on the back of each cheque. The ministry states that this implies the appellant's cheques were cashed at this bank using the appellant's identification card and that staff at that branch verified his identity prior to cashing the cheques.

The ministry further submits the appellant has not explained how the person who stole his cheques would have known that he had an identification card at this particular bank branch and would have been able to use it to cash his cheques.

As such, the ministry is unable to establish that the appellant did not endorse the cheques or that the cheques were lost or stolen. As a result, the appellant's request to replace his February 2025 assistance cheques is denied in accordance with section 77 of the Regulation.

## **Panel Analysis**

### Section 77, Regulation - replacement of lost or stolen assistance cheque

Section 77 of the Regulation states that if satisfied that an unendorsed assistance cheque has been lost or stolen, the minister may issue a replacement.

Evidence shows a bank identification card (with the appellant's photo), for a specific bank, with the number [REDACTED], was issued for the appellant on May 15, 2024. Evidence also shows that copies of four cheques from BC Employment and Assistance issued January 1, 2025 and January 15, 2025 were signed and cashed on January 16, 2025 and all the cheques include the number [REDACTED], written on the back.

With the above evidence, the panel finds the ministry reasonably concluded that the appellant endorsed his cheques, issued in January 2025. The appellant attended a bank, with an identification card for the appellant, issued by the ministry. It is therefore plausible that if the cheques were stolen, someone else would not have known to go a bank that had the appellant's identification card on file. As well, the panel finds it is also reasonable that the bank employee would have compared the identification card they had on file (with the appellant's photo) with the person requesting to cash the cheques.

The panel also finds there is insufficient evidence from the appellant to support his statement that he did not sign or endorse the cheques. Although the signatures on the cheques appear different than the signatures on the identification cards, the panel cannot determine if the signatures are from the same person. No expert evidence, such as a hand-writing analysis was submitted.

## **Conclusion**

In conclusion, the panel finds the ministry decision that determined the appellant was not eligible to replace his February 2025 disability assistance cheques, was reasonably supported by the evidence.

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

## **Schedule of Legislation**

### **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,

- (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, and
- (ii)undertakes to promptly deliver the lost 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

Connie Simonsen

Signature of Chair

Date (Year/Month/Day)

2025/05/07

Print Name

Robert McDowell

Signature of Member

Date (Year/Month/Day)

2025/05/08

Print Name

Susanne Dahlin

Signature of Member

Date (Year/Month/Day)

2025/05/08