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Part C – Decision Under Appeal

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction (the “Ministry”), dated November 20, 2025, in which the Ministry determined that the Appellant was not eligible for a reconsideration of its decision to deny her a persons with disabilities (“PWD”) designation.

In particular, the Ministry determined that the Appellant had submitted her Request for Reconsideration beyond the timeline provided for in section 71 of the Employment and Assistance for Persons with Disabilities Regulation. Namely, the Ministry determined that the Appellant’s Request for Reconsideration had been submitted on November 6, 2025, which was more than twenty (20) business days after she had received the decision denying her a PWD designation (September 8, 2025) and that the Appellant had not provided the Ministry with any reason for the delay in submitting her Request for Reconsideration.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act, S.B.C. 2002, c. 41 (the “Act”)- section 16

Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002 (the “Regulation”)- section 71

The full texts of the above legislative provisions are reproduced in full at the end of Part F of this decision.

Part E – Summary of Facts

The Hearing

The hearing proceeded by way of a teleconference with the Appellant, the Appellant's son (her representative), an interpreter, and a representative of the Ministry present by telephone.

Information Before the Ministry at the Time of the Reconsideration

The information before the Ministry at the time of the Reconsideration Decision, included the following:

- the Request for Reconsideration form, provided to the Appellant, confirming that the Ministry acknowledged that the Appellant was informed of the denial of her PWD application on September 8, 2025;
- letter from the Ministry, dated August 28, 2025, with the Ministry's PWD Denial Decision Summary of the same date;
- the Appellant's PWD application, which was undated; and
- the Appellant's Request for Reconsideration, dated September 19, 2025, to which was attached the following documents:
 - Hearing Test Report (Sept 17, 2024);
 - Eye Test Report (Sept 16, 2024); and
 - Family Doctor Complete Medical Report (Sept 19, 2024) (collectively, the "Medical Documents").

Information Received After Reconsideration

The Ministry submitted no new documentation prior to the hearing of the appeal. The only new document submitted by the Appellant was the Notice of Appeal, dated November 24, 2025, which was filed with the Tribunal on November 25, 2025. In the Notice of Appeal, the Appellant gave the following as her reason for appealing the decision to deny her a reconsideration:

"We received the PWD denial on Sept 8, 2024, picked up the Reconsideration Package on Sept 9, and submitted the completed package on Sept 19, well within the 20-business-day limit. All medical evidence(eye test Sept 16, hearing test Sept 17, and doctor report Sept 19 by Dr. [REDACTED] [REDACTED] is dated in September, proving timely submission. We submitted nothing in October or November. The Ministry's claim of a Nov 6 submission is incorrect. Any delay occurred on the Ministry's side, not ours."

With the Notice of Appeal, the Appellant also submitted the Medical Documents and a brief written submission (the "Written Submission"), setting out the timeline of her submission of her Request for Reconsideration and the Medical Documents.

The Hearing

The Appellant

The Appellant stated that she initially received the decision to deny her a PWD designation on September 8, 2025 when she logged in to the Ministry's My Self Serve portal (the "Portal") to check the status of her PWD application. The Appellant indicated, when asked, that she had not checked the Portal earlier because she was not expecting the decision to arrive sooner than that.

The Appellant stated that she asked for a reconsideration application on the same day that she had checked the Portal and learned that her PWD application had been denied. She received a call from the Ministry on September 9, 2025 to pick up her application for reconsideration.

The Appellant attended at a local Ministry office on September 9, 2025 to pick up the request for reconsideration package. While at the Ministry office, she stated that she was told that she would have twenty business days from September 8, 2025 to complete and file her Request for Reconsideration and that she needn't worry about the fact that the original denial letter had been sent to her on August 28, 2025. That the Appellant received the original denial decision on September 8, 2025 is reflected in the Request for Reconsideration form itself.

The Appellant stated that she immediately attended to obtaining the Medical Documents from the doctors who prepared them. The Appellant indicated that she was fortunate to have gotten appointments as quickly as she did. After obtaining the Medical Documents, the Appellant attended at a Ministry office, on or about September 19, 2025. The Appellant stated that she submitted the Request for Reconsideration with the Medical Documents and that the dates on the Medical Documents are consistent with the date that the Request for Reconsideration form was signed and submitted.

The Appellant stated that she submitted no documentation to the Ministry in November 2025 at all, contrary to the findings in the Reconsideration Decision that her request for reconsideration was not received by the Ministry until November 6, 2025.

The Ministry

The Ministry representative stated that upon a review of the case notes, it appears that the Ministry did, in fact, receive the Appellant's Request for Reconsideration package, along with the Medical Documents, on September 22, 2025, notwithstanding that the Reconsideration Decision set out that the Appellant's Request for Reconsideration was not received until November 6, 2025.

The Ministry also conceded that it was possible that the Appellant had submitted her reconsideration on September 19, 2025, which was a Friday, given that the case notes indicate that her Request for Reconsideration appears to have been processed as a new PWD application on the following Monday, September 22, 2025.

After being received as a new PWD application, the Appellant's Request for Reconsideration was subsequently sent to the Ministry's Health Services Department and received there on October 31, 2025, which is consistent with a date stamp on the Medical Documents that had been submitted with the reconsideration package. The Ministry stated that the package was forwarded to the Ministry's Reconsideration Branch and was processed on November 6, 2025.

The Ministry stated that it acknowledges that the Appellant's Request for Reconsideration was received on September 22, 2025. The Ministry stated further that, based on the date that the original PWD denial decision was received by the Appellant (September 8, 2025), the deadline for her to file her Request for Reconsideration was October 7, 2025. The Ministry stated that its calculation of this date was based on there being twenty business days between September 8, 2025 and October 7, 2025, having regard to weekends and one statutory holiday in that time period.

Admissibility of New Evidence

The only new written documentation before the me was the Notice of Appeal and the Written Submission. Although the Medical Documents were submitted with the Notice of Appeal, they had also been submitted with the Appellant's Request for Reconsideration and, in that sense, were not new evidence. Nevertheless, as they do not appear to have been referenced in the Reconsideration Decision, I will assess their admissibility in respect of this appeal.

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Although, on first glance, the Medical Documents tend to address the underlying issue of whether or not the decision to deny the Appellant a PWD designation was reasonable, the Appellant made clear, both in the Written Submission and at the hearing that her reliance on the Medical Documents, was to establish a timeline for her having submitted her Request for Reconsideration. As such, I find that the Medical Documents are reasonably required for a full and fair hearing in respect of the Reconsideration Decision, as per section 22(4) of the *Employment and Assistance Act*.

As both the oral evidence of the Appellant and the Ministry directly addressed issues related to the timing of the Appellant's submission of her Request for Reconsideration, I find that it is information that was not before the Ministry at the time of reconsideration but is reasonably required and is accepted as evidence to ensure a full and fair hearing in respect of the Reconsideration Decision, as per section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

Issue on Appeal

The issue in this appeal is whether the Ministry reasonable determined that the Appellant was not eligible for a reconsideration of its decision to deny her a PWD designation because of its finding that the Appellant's Request for Reconsideration had been submitted more than twenty (20) business days after the Appellant had received the decision to deny her a PWD designation.

Positions of the Parties

The Appellant

The Appellant's position is that she submitted her Request for Reconsideration on September 19, 2025 by dropping it off at a Ministry office and that this was within twenty business days of her being notified of the denial of her PWD application on September 8, 2025.

The Ministry

The Ministry's position at the hearing was that the Appellant's Request for Reconsideration needed to be submitted by no later than October 7, 2025, which was twenty business days after the Appellant had, on September 8, 2025, received notice that her PWD application had been denied.

The Ministry confirmed that the Appellant's Request for Reconsideration had been erroneously directed to the Ministry's Health Services Department on September 22, 2025 where it was processed on October 31, 2025 before being sent back to the Ministry's Reconsideration Branch. In the result, the position taken by the Ministry at the hearing of the appeal is that the Appellant's request for reconsideration was, in fact, submitted within twenty (20) business days, as required by section 71 of the Regulation.

Panel Decision

The reconsideration rights of a person whose application for a PWD designation is denied are set out in section 16 of the Act.

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Under section 16(1)(a) of the *Act*, “a person may request the minister to reconsider... a decision that results in a refusal to provide disability assistance, hardship assistance or a supplement to or for someone in the person's family unit.”

In the case of the Appellant, the original Ministry decision is one that resulted in a refusal by the Ministry to provide disability assistance and, as such, qualifies as a decision in respect of which a right of reconsideration exists.

Subsection (2) of section 16 of the *Act*, provides that any application for reconsideration “under subsection (1) must be made, and the decision reconsidered, within the time limits and in accordance with any rules specified by regulation.”

Under section 71(2) of the Regulation, “A request under subsection (1) must be received by the minister within 20 business days after the date the person is notified of the decision referred to in section 16 (1) of the *Act*.”

It is common ground that the Appellant was notified of the Ministry's decision to deny her PWD application on September 8, 2025. Twenty business days from September 8, 2025 was October 7, 2025. The evidence before me is that the Appellant's Request for Reconsideration was submitted and received by no later than September 22, 2025. As such, this falls within the time frame set out under Section 71(2) of the Regulation.

In view of that evidence, I find that that Reconsideration Decision was not reasonable.

Conclusion

Having concluded that the Reconsideration Decision was not reasonably supported by the evidence, I rescind it. The Appellant is successful in this appeal.

Applicable Legislation

Employment and Assistance for Persons with Disability Act

Reconsideration and appeal rights

16 (1) Subject to section 17, a person may request the minister to reconsider any of the following decisions made under this Act:

- (a) a decision that results in a refusal to provide disability assistance, hardship assistance or a supplement to or for someone in the person's family unit;
- (b) a decision that results in a discontinuance of disability assistance or a supplement provided to or for someone in the person's family unit;
- (c) a decision that results in a reduction of disability assistance or a supplement provided to or for someone in the person's family unit;
- (d) a decision in respect of the amount of a supplement provided to or for someone in the person's family unit if that amount is less than the lesser of
 - (i) the maximum amount of the supplement under the regulations, and
 - (ii) the cost of the least expensive and appropriate manner of providing the supplement.
- (e) [Repealed 2024-04-25.]

(2) A request under subsection (1) must be made, and the decision reconsidered, within the time limits and in accordance with any rules specified by regulation.

(3) Subject to a regulation under subsection (5) and to sections 17 and 18 (2) [*overpayments*], a person who is dissatisfied with the outcome of a request for a reconsideration under subsection (1) (a) to (d) may appeal the decision that is the outcome of the request to the tribunal.

(4) A right of appeal given under subsection (3) is subject to the time limits and other requirements set out in the *Employment and Assistance Act* and the regulations under that Act.

(5) The Lieutenant Governor in Council may designate by regulation

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- (a) categories of supplements that are not appealable to the tribunal, and
- (b) circumstances in which a decision to refuse to provide disability assistance, hardship assistance or a supplement is not appealable to the tribunal.

Employment and Assistance for Persons with Disabilities Regulation

How a request to reconsider a decision is made

71 (1) A person who wishes the minister to reconsider a decision referred to in section 16 (1) [*reconsideration and appeal rights*] of the Act must make a request for reconsideration in the form specified by the minister.

(2) A request under subsection (1) must be received by the minister within 20 business days after the date the person is notified of the decision referred to in section 16 (1) of the Act.

(3) Despite subsection (2), the minister may extend the time limit set out in that subsection if the minister is satisfied that special circumstances exist.

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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

Adam Shee

Signature of Chair

Date (Year/Month/Day)

2025/December/22

Print Name

Signature of Member

Date (Year/Month/Day)

Print Name

Signature of Member

Date (Year/Month/Day)