

**PART C – Decision under Appeal**

The ministry in its reconsideration decision dated November 24, 2010, found that the appellant was not eligible for Child Care Subsidy from August 1, 2010 to August 31, 2010, because child care subsidy may only be paid from the first day of the month in which the parent completes an application.

**PART D – Relevant Legislation**

**Child Care Subsidy Act (CCSA), Section 4**  
**Child Care Subsidy Regulation (CSR), Sections 4, 13 and 17.**

**PART E – Summary of Facts**

The evidence before the ministry at reconsideration consists of the appeal record, which included the following:

- Child Care Subsidy Care Provider application dated September 21, 2007.
- Child Care Subsidy Renewal signed by the appellant, dated September 8, 2010.
- Child Care Subsidy Request for Reconsideration, dated November 2, 2010.

The ministry received the appellant's completed renewal form on September 8, 2010, based on the information provided; the ministry has found that the appellant is eligible for child care subsidy for the period between September 1, 2010 and August 31, 2011. This decision was made with reference to section 4 of the Child Care Subsidy Act and sections 4 and 13 of the Child Care Subsidy Regulations.

The ministry also stated that the appellant is not eligible for child care subsidy for the period between August 1, 2010 and August 31, 2010. Child care subsidy may only be paid from the first day of the month in which the parent completes the application or renewal. The application that the appellant submitted was completed on September 8, 2010. Therefore the ministry determined that the appellant is only eligible to receive subsidy from the first of day of September. The appellant therefore is responsible for paying for the costs of any child care that she receives prior to that date.

In the Request for Reconsideration the appellant stated that she is a single mom of 2 with very little or no help from her ex husband. She would not apply for subsidy if she could afford day care. The August bill is too high for her to pay personally. As soon as daycare notified me that my subsidy had expired, I made my renewal application. Due to the ministry paying at the end of each month, she did not know it had expired until the month was over. She understands that it is her responsibility to watch this but again, she is a single mom and her son is a very challenging little boy, she spends a lot of time finding counseling, meeting with schools. In the Appeal Notice the appellant stated that she disagrees with the ministry's reconsideration decision because financially she cannot pay the most expensive month of daycare.

At the hearing the appellant stated that the reason she was late in submitting her renewal for Child Care Subsidy was in the past she had always received a renewal notice and this time she did not receive one. She stated that she cannot afford to pay the child care bill for August as this month is the highest cost of the year. She informed the panel that her ex-spouse cannot help her, and if she could she would stay home and look after her children but she needs to work to support her family.

At the hearing the ministry stood by the Reconsideration Decision.

## PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the ministry's decision to deny the appellant a child care subsidy from August 1, 2010 to August 31, 2010. .

The relevant legislation is Child Care Subsidy Act (CCSA), Section 4 and Child Care Subsidy Regulation (CCSR), Sections 4 and 13. CCSA Section 4 allows the ministry to make child care Subsidies subject to the regulation. CCSR Section 4 (4) states that:

(4) A parent ceases to be eligible for a child care subsidy on the date that is 12 months after the date of application under subsection (1) or this subsection, as applicable, unless, before that date, the parent completes an application referred to in subsection (1) and otherwise complies with that subsection. CCSR Section 13 states that:

(1) A child care subsidy may be paid from the first day of the month in which the parent completes an application under section 4.

(2) If an administrative error has been made, a child care subsidy may be paid for child care provided in the 30 days before the parent completes an application under section 4.

Section 17 states that: (1) A person who wishes the minister to reconsider a decision made under the Act must deliver to the Child Care Subsidy Service Centre a request for reconsideration that

(a) is in the form specified by the minister, and

(b) is delivered within 20 business days after the person is notified of that decision.

The ministry's position is that the appellant's subsidy ceased on August 31, 2010 which was 12 months after her application had been completed and since her renewal form was not received until September 8, 2010, the appellant was not eligible for a subsidy for the period of August 1, 2010 to August 31, 2010.

The appellant's position is that she did not receive Child Care Subsidy renewal forms as she had in the past, if she had received the notice then the forms would have been filled out and signed on the date reasonable to receive the subsidy.

The panel noted that the appellant had completed a Child Care Subsidy Renewal on September 8, 2010. The panel determined that, according to the CCSR Section 4 (4), the appellant was not eligible for a child care subsidy from August 1, 2010 to August 31, 2010 because child care subsidy may only be paid from the first month in which the parent completes the application.

The panel also noted that as the ministry received a renewal application form signed on September 8, 2010, therefore the appellant's authorization began on September 1, 2010, as determined in CCSR Section 13 (1).

Accordingly, the panel concluded that the ministry's decision that the appellant was not eligible for a subsidy for child care for the period of August 1, 2010 is reasonably supported by the evidence and the panel confirms the ministry's decision under section 24 of the Employment and Assistance Act (EAA).