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PART C – Decision under Appeal

The decision under appeal is the Ministry's reconsideration decision of February 1, 2012 denying the Appellant a crisis supplement for clothing. On January 13, 2012 the Ministry determined that the Appellant was not eligible for a crisis supplement because the Appellant received \$50 for a clothing supplement in August 2011 and also received \$50.00 for a clothing supplement in December 2011 and the legislation stipulates that a crisis supplement is limited to \$100 in the 12 calendar months preceding the date of application for the crisis supplement. The Ministry also denied the request for the crisis supplement because the Appellant did not meet the criterion that the failure to provide the item will result in imminent danger to the Appellant's physical health or show that he had exhausted available resources.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA) section 5
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57

PART E – Summary of Facts

The Appellant requested a crisis supplement on January 13, 2012 and his request was denied. He applied for Reconsideration on January 24, 2012.

The evidence before the Ministry at reconsideration consisted of the Request for Reconsideration in which the Appellant states " I have an unexpected item of need as a result of my backpack being lost/stolen. It puts me at risk because I do not have sufficient clothing to protect me from winter weather. I am concerned for my health if I go out in the elements without proper footwear and protection".

The Appellant submitted a Notice of Appeal on February 7, 2012 in which he states: "I need winter clothes because I have to have protection from the weather. I wasn't able to expect my clothes would be lost".

At the hearing the Appellant stated that he phoned the community resources. He says that he went to the Salvation Army for a clothing relief grant but found he was not eligible because he received a voucher in the summer for \$50.00 for work clothes. He says he also went to an agency that is connected to a thrift store but they did not have any men's jackets. He said that what he is wearing is what he has for winter – a jean jacket, a hoodie and one pair of boots that need repair. He obtained a crisis grant in December to repair one of his boots and now the other boot is splitting and needs repair. He said that he lost ½ of his wardrobe including pants and shirts. He said that he is unable to replace his clothing, as he had to move from the apartment where he was paying \$375.00 and now pays \$500 for the rent. He said that he is looking for work and does a lot of community service but without proper clothes it is hard to look presentable. He said that he lost his clothes when he left his backpack in the car of the person who gave him a ride when he was hitchhiking back to his home community after visiting his mother in the hospital.

The Ministry said that the Appellant was not eligible for a crisis supplement because the legislation only allows a crisis supplement of \$100 in the preceding 12-month period and the Appellant received a crisis supplement of \$50.00 in August 2011 and \$50.00 in December of 2011. She said that the other criteria are that the need must be unexpected, that there must be imminent danger to health and that the Appellant exhausted all community resources but because the Appellant reached his limit these criteria were not considered.

The panel makes the following findings of fact: The Appellant applied for a crisis supplement on January 13, 2012 to replace clothing that he lost when he was hitchhiking back to his home community. The Appellant received a crisis supplement for clothing of \$50.00 in August of 2011 and a further crisis supplement for clothing of \$50.00 in December 2011.

PART F – Reasons for Panel Decision

The issue under appeal is whether the Ministry's decision was reasonably supported by the evidence and whether the Ministry reasonably determined that the Appellant is not eligible for a crisis supplement because he received a crisis supplement of \$50.00, for clothing, in August 2011 and a further \$50.00 as a crisis supplement for clothing in December 2011 and the legislation stipulates that a crisis supplement is limited to \$100 in the 12 calendar months preceding the date of application for the crisis supplement. The Ministry also denied the request for the crisis supplement because the Appellant did not meet the criterion that the failure to provide the item would result in imminent danger to the Appellant's physical health or show that he had exhausted available resources.

The relevant legislation is section 5 of the Employment and Assistance for Persons with Disabilities Act (EAPWDA) and Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) as follows:

Disability assistance and supplements

- 5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

Crisis supplement

- 57 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if
- (a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and
 - (b) the minister considers that failure to meet the expense or obtain the item will result in
 - (i) imminent danger to the physical health of any person in the family unit, or
 - (ii) removal of a child under the *Child, Family and Community Service Act*.
- (2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.
- (3) A crisis supplement may not be provided for the purpose of obtaining
- (a) a supplement described in Schedule C, or
 - (b) any other health care goods or services.

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:

- (a) if for food, the maximum amount that may be provided in a calendar month is \$20 for each person in the family unit;
- (b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of
 - (i) the family unit's actual shelter cost, and
 - (ii) the maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit;
- (c) if for clothing, the amount that may be provided must not exceed the smaller of
 - (i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and
 - (ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.

On January 13, 2012 the Ministry determined that the Appellant was not eligible for a crisis supplement for clothing. In the reconsideration decision the Ministry states that an additional crisis supplement may not be approved in excess of the legislated maximum and also states that the Appellant failed to satisfy the criteria for a crisis supplement.

The panel noted the Appellant's argument that he needs winter clothes for protection against the weather. He said that without clothes it is hard to look presentable. He said that he does not have a winter coat and has only one pair of boots that need repair. He said that he obtained a crisis supplement in December 2011 to repair one of his boots and now the other boot needs repair.

However, Section 57(4)(c)(i) of the EAPWDR states that the maximum crisis supplement that can be issued in the Appellant's circumstances is \$100.00 in the 12 calendar month period preceding the date of application for the crisis supplement. As the Appellant was provided a crisis supplement for clothing of \$50.00 in August, 2011, and another \$50.00 as a crisis supplement for clothing in December 2011, the panel finds that the Appellant has received the maximum that may be provided - as a crisis supplement for clothing - in the 12 calendar month period preceding the request for another crisis supplement made on January 12, 2012. The panel finds that the Ministry's decision to deny a further crisis supplement for clothing to be a reasonable application of the legislation.

With respect to the criteria that the need must be unexpected and that there must be no resources in

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the family unit to meet the unexpected expense, the panel notes that the Ministry accepted that the need was unexpected. The panel heard from the Appellant about his financial position and the agencies that he approached to obtain replacement clothing.

The panel accepts the Appellant's testimony that he does not have the funds to replace his clothing and that he has explored community resources but notes that this information was not before the Ministry. The application for reconsideration does not contain any of this information and there is no evidence that supplementary information was provided when the Appellant applied for reconsideration.

The panel therefore finds that based on the information provided at that time the Ministry made a reasonable decision in the determination that the Appellant had not explored community options to replace his clothing.

With respect to the criterion that the failure to provide the item will result in imminent danger to physical health the panel finds that there is insufficient information to establish that the failure to provide the item would result in imminent danger to the health of the Appellant if he were eligible for a crisis supplement under Section 57(4)(c)(i) of the EAPWDR.

The panel finds that the Ministry reasonably determined that the Appellant is not eligible for a crisis supplement for clothing and further finds that the denial of a crisis supplement for clothing is a reasonable application of the law.

Therefore, the Panel confirms the ministry's decision pursuant to Section 24(1)(a) and Section 24(2)(a) of the Employment and Assistance Act.