

PART C – Decision under Appeal

The decision under appeal is the ministry's reconsideration decision of January 20th, 2012 wherein the ministry denied the appellant a crisis supplement for clothing under section 57(4)(c)(i) of the Employment and Assistance For Persons with Disabilities Regulation (EAPWDR) because the appellant had reached the \$100 limit that may be provided within the 12 calendar month period preceding the date of the appellant's application on December 16th, 2011 for a further crisis supplement for clothing.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 57(4)(c)(i)

PART E – Summary of Facts

The facts before the ministry at the time of reconsideration were:

- Request for reconsideration dated January 5th, 2012.
- Bill for international parcel in amount of \$44.38
- Receipt of \$46 for a bus pass.
- Copy of paid cell phone bill in amount of \$58.78.
- Past due BC Hydro bill in amount of \$120.88.
- Ministry record of Discretionary Assistance Payments dated 2011 Dec 20 for the appellant covering the period March 2010 to December 2011.
 - February 8th, 2011 – Crisis Benefit (Supplement) for clothing - \$80
 - December 2nd, 2011 – Crisis Benefit (Supplement) for clothing - \$20

The appellant is a single recipient for disability assistance. On December 16th, 2011 the appellant applied for a crisis supplement for clothing as he needed a winter coat and warm clothing. On February 8th, 2011 the ministry provided the appellant with an \$80 clothing supplement and then on December 2nd, 2011 a further \$20 clothing supplement was provided bringing the appellant's total supplement to \$100 in a 12 month calendar period. On December 16th, 2011 the appellant again applied for a clothing supplement which was denied because he did not meet the legislated criteria in section 57(4)(c)(i) EAPWDR.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision of January 20th, 2012 wherein the ministry determined the appellant was not eligible for a crisis supplement for clothing under section 57(4)(c)(i) of the EAPWDR because the appellant had reached the \$100 limit that may be provided within the 12 calendar month period preceding the date of the appellant's application (December 16th, 2011) for the crisis supplement.

The legislation considered:

Crisis supplement

Section 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

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

(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.

The ministry argued that the EAWPDR legislation limits the amount of a crisis supplement to \$100 that may be provided for clothing to each person in a family unit during a 12 month calendar period. The ministry argued that the appellant received a crisis supplement of \$80 for clothing in February 2011 and another \$20 for clothing in December 2011. The ministry argued that the EAPWDR legislation limits the amount that may be provided to \$100 in a 12 calendar month period and not a yearly period, to \$100. The ministry argued that since the appellant had reached the legislated limit of \$100 within the 12 calendar month period, his application of December 16th, 2011 for a crisis supplement for clothing was denied.

The appellant argued that he has no money, no savings to purchase any clothing. The appellant argued he had spent his money on parcels he had received, utility bills and food. The appellant argued that he didn't want cash that if he received vouchers so that he can go to a thrift store and purchase some much needed clothing that was all he needed. The appellant also argued that he did not receive a clothing supplement in 2010 and that he considered supplement that he received in February 2011 was for the year 2010.

Section 57(4)(c)(i) EWAPWDR states that each person in a family unit can only be provided with a crisis supplement of \$100 for clothing in a 12 calendar month period preceding the date of application. The panel finds the appellant is a single recipient of disability assistance and the evidence before the panel shows the appellant was provided with a crisis supplement of \$80 for clothing in February 2011 and another \$20 for clothing in December 2011.

The panel finds that the ministry reasonably determined the appellant was not eligible to receive a crisis supplement for clothing and therefore finds the ministry's decision to deny the appellant's application on December 16th, 2011 for a crisis supplement for clothing was reasonable.

Therefore, the Panel finds that, based on the evidence, the ministry's decision was reasonable and confirms the ministry's decision pursuant to section 24(1)(a) and section 24(2)(a) of the Employment and Assistance Act.