

PART C – Decision under Appeal

In a reconsideration decision dated 16 March 2012, the Ministry denied the Appellant's request for a crisis supplement to purchase food because it determined the Appellant's situation did not meet two of the eligibility criteria for a crisis supplement, that is, the expense was not unexpected and there were alternate resources available as set out in the Employment and Assistance Regulation, Section 59.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) Section 1 and Section 4
Employment and Assistance Regulation (EAR) Section 59

PART E – Summary of Facts

In the notice of appeal, the Appellant stated his rent is \$875 and he receives \$877 in IA. He says he has to look for work and must also take his disabled girlfriend to regular doctor appointments. He says he does not have a penny left for food or other necessities.

Within the reconsideration decision the Ministry stated the Appellant is receiving income assistance (IA) as a couple (with his girlfriend) since January 2012. On March 2, 2012 the Appellant requested a crisis supplement for food because after paying the rent he did not have enough money for food.

At the hearing, the Appellant confirmed that he has been receiving income assistance since January and is continuing to look for work. He said his rent of \$875 includes all utilities and telephone and anything less per month is hard to find in the city where he resides. He said that he uses a food bank but does not have enough money for food and other necessities since his rent takes all the income assistance that he receives.

At the hearing the Ministry confirmed the Appellant receives \$877.22 per month in income assistance and that assistance is made up of a maximum housing allowance of \$570 plus support allowance of \$307.22. The Ministry explained that the support allowance is meant for food and other monthly necessities.

The Panel finds from the evidence presented that:

- The Appellant is a recipient of income assistance since January 2012 as a couple.
- The Appellant receives \$570 in housing allowance and \$307.22 in support allowance for a total of \$877.22 in income assistance per month.
- The Appellant's rent is \$875 per month.

PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the Ministry's decision to deny the Appellant's request for a crisis supplement to purchase food because it determined the Appellant's situation did not meet two of the eligibility criteria for a crisis supplement, that is, the expense was not unexpected and there were alternate resources available as set out in the Employment and Assistance Regulation, Section 59.

The criteria for a crisis supplement are set out in the EAR, Section 59(1) as follows:

59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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,

The Ministry argues the need for food cannot be considered as an unexpected expense and that the support portion of the monthly income assistance is intended for expenses such as food.

The Appellant argues his rent uses up all his income assistance and he has nothing left for food.

The Panel finds that food and rent are basic needs and therefore expected rather than unexpected monthly expenses. Furthermore, the Appellant has been receiving income assistance since January 2012 and must have been aware that the rent he was paying did not leave sufficient funds for food. The Panel finds the Ministry reasonably determined that the request for food was not an unexpected expense.

The Ministry argues the Appellant had alternate resources to purchase food because the Appellant's income assistance is intended to be used for ongoing daily living expenses such as food and rent.

The Appellant argues that his rent takes all his income assistance and he has nothing left for food.

Income Assistance is defined in the Section 1 of the Employment and Assistance Act as:

"income assistance" means an amount for shelter and support provided under section 4 [income assistance and supplements];

The Panel finds the Appellant receives income assistance from the Ministry with the intent it is to cover basic shelter and food (\$570 for rent and \$307.22 for support) and in this case the Appellant chose to use most of the funds on his rent rather than splitting it among other necessities such as food. The Panel finds the Ministry decision was a reasonable application of the applicable enactment in the circumstances of the Appellant and confirms the decision.