

## PART C – Decision under Appeal

In a reconsideration decision dated 05 April 2012, the Ministry denied the Appellant's request for a crisis supplement to purchase clothing because it determined the Appellant's situation did not meet the eligibility criteria for a crisis supplement, which is, the expense was unexpected, there were no alternate resources available, and failure to meet the expense would result in imminent danger to the physical health of any person in the family unit, as set out in the Employment and Assistance Regulation, Section 59.

## PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) Section 59

## PART E – Summary of Facts

The evidence before the Ministry at the time of the reconsideration decision included:

- the Appellant's reasons for request for reconsideration, dated April 2, 2012,
- a medical report- employability dated March 8, 2012,
- a radiology report dated August 24, 2009,
- receipts for prescriptions dated November 8, 2011, January 17, 2012 and March 8, 2012.

The Appellant states in his reasons for request for reconsideration that his income assistance (IA) checks, divided into 3 payments over the month, totals \$235 and that is less that \$8 per day to live on. He says he attempts to buy 3 meals a day, other personal items, bus fare and clothing with the money. However, medicine is the most severe drain on his support. He states that he has degenerative neck and back disease plus recent surgery on his hand. He states he must buy his own medical supplies for the next 6 months. Furthermore, he states that this clothing was stolen and must be replaced. He continues that he has used all other resources such as free clothing at various places. He states that he does not show a pattern of dependency or reliance on the Ministry, it has been over a year since he has asked for a crisis supplement. He concludes that he is grateful for the help he receives but he is asking for this supplement to get back his dignity and confidence.

The medical report dated March 8, 2012 confirms surgery on the Appellant's right hand due to lack of flexibility. The radiology report dated August 24, 2009 confirms cervical degenerative disc disease.

The Ministry states the Appellant is a recipient of income assistance since April 2001, his file was temporarily closed and re-opened in February, 2010, and on April 1, 2012 he was designated a person with persistent multiple barriers (PPMB), and that his current IA is \$282.92 per month.

The Ministry notes that medical costs expected from the surgery over the next 6 months cannot be considered an unexpected cost and there is no police file number submitted to demonstrate that the Appellant's clothes were stolen. The Ministry states that a crisis allowance is not to be considered a clothing allowance and requesting an allowance for the same reason constitutes a pattern of requests for crisis supplements. The Ministry concluded that the Appellant had received a portion of his monthly IA the same week as his crisis supplement request and therefore had alternate resources to purchase clothes.

At the hearing the Appellant said his medical issues have caused him to lose 30 pounds and therefore his clothing doesn't fit. He stated that he has tried to get free clothing but they are not presentable and his only clothing now is a t shirt, jeans, a hoodie and old sneakers. Furthermore, he declared that the cost of his current medication has increased and he also has had unexpected medical supplies due to an infection from his hand surgery that was done in March 2012.

The Appellant explained that he keeps all his belongings, that is toiletry items and clothing in a backpack and that he has had 2 backpacks stolen in the period February through March 2012. He stated both times he contacted the police about the theft but a formal report was not made out because there was no identifying items such as a wallet or "ID" in them, and his only recourse is to check the police lost and found periodically.

At the hearing the Ministry reiterated that the eligibility for a crisis supplement includes that it must be

an unexpected need and clothing or extra medical costs after a planned surgery are not unexpected. Furthermore the Ministry notes that the Appellant did not supply a police record to confirm the backpacks were stolen.

The Panel finds from the evidence presented that:

- the Appellant is a recipient of income assistance as a PPMB since April 1, 2012,
- The Appellant had surgery on his right hand in March, 2012
- The Appellant had two backpacks stolen during February – March, 2012.

## 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 clothing because it determined the Appellant's situation did not meet the eligibility criteria for a crisis supplement, that is, the expense was unexpected, there were no alternate resources available, and failure to meet the expense would result in imminent danger to the physical health of any person in the family unit, as set out in the Employment and Assistance Regulation, Section 59. The applicable criteria for a crisis supplement is 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, 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*

The Ministry argues the need for clothing cannot be considered an unexpected expense, the Appellant receives a support portion of his IA which is meant for clothing, and failure to meet the expense will not result in imminent danger to the physical health of the Appellant.

The Appellant argues his IA is not enough to cover his necessities, he has ongoing medical expenses that drain his income, his clothes were stolen and he has used all other resources to replace them.

There are three criteria within the legislation that must be met before the Ministry may provide a crisis supplement. The first criterion is that the supplement is required to meet an unexpected expense or obtain an item unexpectedly needed. In this case, the Panel has found that the Appellant had his backpacks containing clothing stolen. The Panel finds this theft caused an unexpected need of clothing and that the Ministry was unreasonable to determine that the first criterion had not been met.

The second criterion is that there are no resources available to the Appellant to meet the expense. In this case, the Appellant attempted to use other resources (free or donated clothing) and his available IA was needed for food and extra medical expenses. The Panel finds the Ministry was unreasonable to determine that the second criterion had not been met.

The third criterion is that failure to meet the expense will result in imminent danger to the physical health of the Appellant. The Appellant has sufficient clothing to cope with the current weather conditions, that is jeans, T shirt and hoodie, and stated his reasons for new clothing was to be "more presentable" and to boost his dignity and confidence. This information does not indicate imminent danger to his physical health. The Panel finds the Ministry reasonably determined that the third

criterion was not met.

The Panel finds the Ministry decision was a reasonable application of the applicable enactment in the circumstances of the Appellant and confirms the decision.