

### PART C – Decision under Appeal

The decision being appealed is the Ministry of Social Development (Ministry) March 7, 2012 reconsideration decision denying the appellant a crisis supplement for clothing because the ministry determined that the appellant did not meet the criteria for a crisis supplement as set out in section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) and specifically that he did not demonstrate :

1. The supplement was needed to meet an unexpected expense or to obtain an item unexpectedly needed.
2. There were no alternate resources available to him; and
3. The failure to obtain the clothing would result in imminent danger to the physical health of any person in the family unit or the removal of a child under the Child, Family and Community Service Act.

### PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57.

## PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

The evidence before the ministry at the time of reconsideration included:

- The appellant has Persons with Disabilities status and his file is administered through a third party.
- The appellant's son who turned 19 years of age was removed from the appellant's file as a dependent for January 2012.
- The appellant requested the funding for clothing in February 2012. The request included comparative quotes (prices) from 2 retail outlets for a jacket, pants and shoes. The request was denied.
- February 17, 2012 the appellant in his Request for Reconsideration indicates that he lost monies on his January disability assistance cheque without notice and had paid Christmas bills and presents with his November cheque. He also indicates that his son turned 19 years old and was removed from his file which was an unforeseen (sic) expense..

In his Notice of Appeal (NOA) dated April 19, 2012 the appellant states "improper, wording on reconsideration ...wrongful attack of my rights." The panel accepts the appellant's NOA submission as argument.

At the hearing, the ministry stood by the record. The ministry submitted that the appellant had not met the 3 conditions for a crisis supplement. It submits that clothing is a regular or expected requirement and that it expects recipients to plan ahead for such items. Other than the appellant indicating he has fewer monies on his disability cheque in January 2012 there was nothing provided to the ministry to substantiate the need for the clothing was unexpected or unexpectedly needed. Further, the issue of the appellant's son turning 19 years of age on December 17, 2011 and being removed from his disability assistance as a dependent was also not unexpected. Further, the appellant also provided no evidence of his efforts to access alternate resources such as thrift stores for the clothing and should have budgeted for the items.

**PART F – Reasons for Panel Decision**

The issue in this appeal is whether the ministry reasonably determined that the appellant was ineligible for a crisis supplement for clothing because the ministry determined that the appellant did not meet the criteria for a crisis supplement as set out in section 57 (1) of the EAPWDR and specifically that he did not demonstrate:

1. The supplement was needed to meet an unexpected expense or to obtain an item unexpectedly needed.
2. There were no alternate resources available to him; and
3. The failure to obtain the clothing would result in imminent danger to the physical health of any person in the family unit or the removal of a child under the Child, Family and Community Service Act.

The following section of the EAPWDR applies to this appeal:

**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.*

The appellant argues his January 2012 disability allowance was reduced due to his son turning 19 years of age and being removed from his file as a dependant. As a result of using previous disability assistance for Christmas bills and presents the expense for clothing was unexpected.

The ministry argues the appellant did not meet all the criteria for a crisis supplement. It determined clothing is an ongoing need and that the appellant's son turning 19 years of age and being removed from his file were not unexpected. It also argues the appellant presented no evidence of using alternate resources such as those available at various community agencies. Finally, it submits there was no evidence presented that failure to obtain the clothing will result in imminent danger to his health.

With regard to the first criterion, the panel finds that the need for clothing is not something unexpected. It is a regular and expected occurrence. Further, it finds the fact that the appellant's son turned 19 years of age was also not an unexpected occurrence. Further, the fact that his son on turning 19 years of age and being removed from his disability allowance on reaching the Province's age of majority should also not have been unexpected even though there is no evidence to indicate the appellant had received notice from the ministry. Finally, the panel finds there is no other evidence about the appellant's clothing needs that they came unexpectedly or occurred without notice. The panel finds that the ministry reasonably determined that the clothing was not an unexpected expense as it is reasonable to expect and to anticipate the ongoing need to purchase these items.

With regard to the second criterion, the panel finds that the appellant has not demonstrated alternate resources were not available to him. The panel also finds that the appellant receives a support allowance that is intended to be used for the purchase of basic needs such as clothing. The appellant provided no evidence that he tried to access community resources. Therefore, the panel finds that the ministry reasonably determined that the appellant had resources available to him.

With regard to the third criterion there is no evidence, medical or otherwise, showing that at the time of the appellant's request for the crisis supplement a failure to provide the clothing would result in imminent danger to his physical health or the removal of a child under the *Child, Family and Community Service Act*. The panel finds that the ministry reasonably determined it has not been demonstrated that failure to purchase the clothing will result in imminent danger to health.

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The panel finds that the Ministry's decision that the appellant does not meet all the legislated criteria to receive a crisis supplement to purchase new clothing is reasonably supported by the evidence and confirms the decision.