

**PART C – Decision under Appeal**

The decision under appeal is the Reconsideration Decision dated 2012 05 25 in which the Ministry of Social Development (“Ministry”) confirmed its decision to deny the Appellant a crisis supplement for the purchase of a bed in the amount of \$604. The Ministry denied the crisis supplement on the basis that the application did not meet any of the three criteria under section 57 of the Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”): (1) to meet an unexpected expense or obtain an item unexpectedly needed, (2) the applicant has no other resources available to them to purchase the item, and (3) failure to provide the item will result in imminent danger to the applicant’s physical health.

**PART D – Relevant Legislation**

The relevant legislation is section 57 of the EAPWDR.

## PART E – Summary of Facts

The evidence before the Ministry at the time of the reconsideration decision consisted of 3 pages of typed notes from the Appellant's file from 2009 indicating that she was provided with a bed at that time, the Request for Reconsideration in which the Appellant sets out her position in much the same fashion as in her Notice of Appeal described above, a 'Client Message' form completed by the Appellant and dated "May 2012" in which the Appellant again sets out her position as described above, 4 quotes for beds ranging from \$604 to \$1041, and the Ministry's "Decision Report" detailing relevant activity on this file in chronological format.

Additional evidence before the Panel at the time of this hearing consists of two pages of hand written submission by the Appellant. In her submission the Appellant states: (1) That the Ministry is in error when it identifies her as having a dependent. (2) That the Ministry is in error when it states that Appellant moved to another province with her belongings. The Appellant claims that she left most of her belongings in British Columbia as she was evicted. (3) Due to cuts in the level of assistance provided to her in the other province, the Appellant became homeless there as well and could not afford to store or ship any of her belongings. As well, the Appellant states that the bed she was using there was borrowed and was returned to the owner upon her move back to British Columbia. In conclusion, the Appellant states that due to her evictions, lack of funds and moving she has found herself without a bed, which she requires due to her back injuries.

The panel finds that all the evidence provided to the Panel by the Appellant is admissible under Section 22(4) EAA as it is in support of the evidence that was before the Ministry at the time of the reconsideration decision.

The following is a summary of the facts as the Panel finds them.

The Appellant is a recipient of disability assistance who currently receives \$375/month in shelter allowance and \$531.42/month in support allowance. According to the Appellant's submission, she suffers from "severe back injuries" which require a soft mattress and a number of bolsters necessitating at least a queen size bed.

In or about May, 2012, the Appellant made a request to the Ministry for funding for a bed. She was directed to bring three quotes in to the Ministry office. This she did, but was informed that the quotes were too high.

On May 17, 2012, the Appellant submitted to the Ministry a Request for Reconsideration of this decision. In "SECTION 2 DECISION TO BE RECONSIDERED" the Ministry for the first time characterizes the Appellant's request as a request for a "crisis supplement".

The Appellant was provided with a bed by the Ministry in 2009. The Appellant subsequently moved to another province and did not take this bed with her because she could not transport it. She acquired a bed while living in the other province but it was borrowed and she returned it to the owner when she returned to British Columbia.

## PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry's decision to deny the Appellant a crisis supplement.

The relevant legislation is section 57 of the EAPWDR:

### 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, and

(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.

(5) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).

(6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of disability assistance or hardship assistance that may be provided for the month under Schedule A or  Schedule D to a family unit that matches the family unit.

(7) Despite subsection (4) (b) or (5) or both, a crisis supplement may be provided to or for a family unit for the following:

(a) fuel for heating;

(b) fuel for cooking meals;

(c) water;

(d) hydro.

The Ministry's position is that the Appellant's purchase of a bed does not qualify for a crisis supplement because that purchase does not meet the three criteria set out in section 57. That is, it was not unexpected, the Appellant has other resources in the form of her support allowance, and failure to provide the bed will not result in imminent danger to the Appellant's physical health.

The Appellant's position is that her purchase of a bed does qualify for a crisis supplement because her need for a new bed was unexpected, she does not have other resources available to her as her support allowance is fully committed and not having this bed poses imminent danger to her physical health due to her back injuries.

The Panel finds that, under section 57 of the EAPWR with Disabilities Regulation in order to qualify for a crisis supplement the following 3 criteria must be met:

- (a) the expense must be unexpected or the item unexpectedly needed;
- (b) the applicant must have no resources available to them; and
- (c) lack of the item will result in imminent danger to the physical health of the applicant.

**Unexpected:** The Panel cannot find that this expense was "unexpected" or that this bed was "unexpectedly needed". There could well be circumstances in which a bed could be unexpectedly needed if, for instance, a recipient's bed somehow became unusable. Here, the Appellant made the decision to move back to British Columbia from another province without (or to leave British Columbia without) the bed that the Ministry provided her with in 2009. In doing so, the Appellant could reasonably expect that she would need to replace that bed. Therefore the panel finds that the ministry reasonably determined that the expense was not "unexpected" nor was the bed "unexpectedly needed".

**No Resources:** The Ministry maintains that the Appellant has other resources in the form of her support allowance of \$531.42 from which "it is your responsibility to use part of the funds to buy or replace any furniture including beds". The Appellant has not provided any evidence that she could not purchase a bed from her monthly allowance, so that the Panel cannot conclude that she has no other resources to purchase the bed. Therefore the Panel finds that the ministry reasonably determined that the Appellant has not established that she has no other resources.

**Imminent Danger to Physical Health:** The Appellant submits that she requires a quality, soft, queen size bed in order to address the medical issues associated with her back injury. Unfortunately, the Panel had no supporting evidence before it regarding the medical condition of the Appellant. But there is no question that the words "imminent" and "danger" are meant to indicate that it is only in the most dire situations where failure to provide the assistance would place the Appellant's physical health at risk immediately that this criteria is met. The Panel cannot find that the current situation meets that stringent test. Therefore the Panel finds that the Ministry reasonably determined that the Appellant's physical health was not immediately threatened by the lack of a quality, soft, queen size bed.

Based on this analysis of the criteria that must be met in order for the Appellant to qualify for a crisis supplement, the Panel finds that the Ministry's Reconsideration Decision to deny the Appellant a crisis supplement for a bed was a reasonable application of the applicable legislation.

Accordingly, the Panel confirms the Ministry's decision.