

PART C – Decision under Appeal

The decision under appeal is the ministry's Reconsideration Decision of 10 July 2012 which held that the appellant was not eligible under Section 57 of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) for a Crisis Supplement to pay her outstanding Hydro bill.

PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Regulation (EAPWDR)
Section 57 Crisis supplement

PART E – Summary of Facts

The appellant failed to appear at the teleconference hearing at the scheduled time and date. After verifying that the appellant had received notification of the hearing, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

The evidence before the ministry at reconsideration was that the appellant's Hydro had been disconnected because the Hydro bill had not been paid. The ministry had denied the appellant's application for crisis supplement.

The following documents were submitted in support of the appellant's claim for assistance:

- Page 1 of a Notice of Rent Increase form indicating the appellant's rent to be \$500.00 a month.
- BC Hydro envelope addressed to the appellant with an illegible date stamp.
- A note on a medical clinic pad stating the following: Rx = Celiac Disease Rx Gluten avoidance Supplement: Vit D 2000/day B Complex τ/day Omega 3. The note does not indicate who this information pertains to nor is it dated or signed.
- An order for a medical examination for the appellant scheduled for June 21, 2012.
- A letter from Dr. A advising that the appellant had an appointment for a medical procedure scheduled for October 25, 2011.
- A letter from Dr. B to the BC Coalition of People with Disabilities dated February 17, 2011 advising of the appellant's limitations which result in it taking her an average of one and a half times longer to complete daily tasks than a person with no physical limitations.
- A diagnostic imaging report of a June 30, 2010 examination done on the appellant's right shoulder, indicating some damage.
- An Out Patient Laboratory Requisition dated August 4, 2011 section Diagnosis and indications for guideline protocol and special tests noting "inflammatory arthropathy".
- A BC Hydro bill addressed to the appellant dated June 4, 2012 noting the past due amount owing \$1,424.36.
- A BC Hydro form requesting the appellant's invoice copies and the following bills, all addressed to the appellant's current residence:
 - October 5, 2011 indicating payments made August 30 in the amount of \$1500.00 and September 6, 2011 of \$1,031.82 and an amount owing of \$101.92.
 - December 5, 2011 showing a balance due from the previous bill of \$101.92 and an amount owing of \$388.36.
 - February 3, 2012 showing a balance due from the previous bill of \$388.36 and an amount owing of \$792.83.
 - April 3, 2012 showing a balance due from the previous bill of \$792.83 and an amount owing of \$1147.90.
- An undated note to the appellant from the landlord giving notice of a plumber coming over to look at the outside taps.
- A Notice of Entry addressed to the appellant stating the landlord/agent would be entering the rental unit on January 3, 2012 to install a new fridge.
- A note dated September 2, 2011 to the appellant from the landlord requesting access to the (rental) unit to investigate and repair a problem.

- A Ministry Shelter Information form dated January 14, 2008 setting out appellant's rental rate at \$400.00/month.

The appellant's appeal submission contained further documentary evidence including:

- An x-ray requisition form for the right hip, dated 5/7/2012.
- A prescription for a ventilation medication dated 22/11/11 with a notation that it was filled on November 23'11.
- 3 medical expenses reports from a drug store for the years 2006, 2007, 2009 and 2010 (some with highlighted notations) and an additional report highlighting medications for specific ailments. The copied highlighting makes most of the information illegible.
- An excerpt from a form headed "TO BE COMPLETED BY THE APPLICANT'S PHYSICIAN ONLY" listing the following diagnosis:
 - 13.6 Degenerative disc disease chronic
 - 13.7 Scoliosis
 - 9.3 Asthma
 - 13.0 Plantar fasciitis

The document is dated 6/16/2008 and numbered page 32/46.

- An Out Patient Laboratory Requisition dated 2010/1/20 requesting a number of test.
- An x-ray requisition dated 15/4/11 for pelvic u/s with the notation "Raynaud's Syndrome" and three clinical notes (illegible in the copy supplied).
- A Diagnostic Imaging report from a CT scan of the appellant's right shoulder done on 2010-07-30.
- An unsigned letter on the Health Authority letterhead dated Oct.26, 2010 listing dates the appellant attended the hospital in 2010.

The panel finds that the new information provided by the appellant in her submission to be support of the information and records that were before the ministry at the time of reconsideration to the extent that they support the appellant's ongoing health issues. The panel therefore admits the new information submitted as evidence pursuant to section 22(4) of the Employment and Assistance Act with the exception of the illegible notes and highlighted areas in the documents submitted by the appellant as specified above.

From the ministry's files:

- The appellant is a single recipient of disability assistance.
- The appellant currently receives \$375.00 in shelter allowance and \$531.42 in support allowance for a total of \$906.42.
- The ministry contacted the appellant on June 5th regarding her application for a crisis supplement for BC Hydro bill arrears.
- The appellant gave permission for the ministry representative to contact BC Hydro.
- BC Hydro informed the ministry representative the appellant owed a total of \$1,297.90.
- BC Hydro also informed the ministry representative that the appellant had not paid a bill since September 2011.
- Additionally, BC Hydro informed the ministry representative Bills and contact requests had been sent to appellant's address but the appellant had not contacted BC Hydro until she received a disconnection notice.

At the hearing, the ministry representative confirmed:

- The appellant has had disability status since May 2011.
- The appellant's rent had increased from \$400.00 to \$500.00 a month at the end of 2011.

In addition, the ministry representative informed the panel the ministry had made the previous payments to BC Hydro on August 30 in the amount of \$1500.00 and on September 6, 2011 of \$1,031.82 as shown on the October 5, 2011 BC Hydro bill.

The panel finds that the information provided by the ministry at the hearing to be part of the records that were before the ministry at the time of reconsideration. The panel therefore admits the information provided at the hearing as evidence pursuant to section 22(4) of the Employment and Assistance Act.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry reasonably determined that the appellant was not eligible for a crisis supplement pursuant to Section 57 of the EAPWDR, to pay her outstanding BC Hydro bill. Specifically, the ministry was not satisfied that a crisis supplement was required by the appellant to meet an unexpected expense or that the item was unexpectedly needed. The ministry also determined that the medical documentation provided did not confirm that failure to provide the crisis supplement for payment of the BC Hydro utility bill will result in imminent danger to the appellant's physical health.

The relevant legislation is set out in the EAPWDR, Section 57:

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.

(BC Reg. 13/2003)

The ministry set out the test for eligibility to receive the crisis supplement is in three distinct parts, each of which must be met:

1. To meet an unexpected expense or obtain an item unexpectedly needed
2. You have no resources available to you
3. Failure to provide the item will result in imminent danger to your physical health.

The ministry's position is the crisis supplement was not required to meet an unexpected expense as utility bills are an ongoing expense the appellant is expected to pay. The ministry stated that it was the appellant's responsibility to contact BC Hydro if she had not received a bill as she knew her rent did not include utilities. The ministry noted the appellant had not paid a hydro bill since September 2011, after the previous outstanding bill had been paid by the ministry.

The ministry reviewed the information the appellant provided regarding her physical health and medical information, and determined that failure to provide a crisis supplement would not result in imminent danger to her health. During the hearing the ministry stated that the ministry also considered the time of year, summer, when coming to this determination.

The position of the appellant from her written submission is that she has a number of ongoing health issues. As part of addressing those health issues she requires some over the counter medications, supplements and must follow a special diet. After paying her rent, she determined these expenses which take the remainder of her benefit, come first because she must look after her health. There is no money remaining to pay for anything else.

The documents supplied detail the appellant's difficulty in getting persons with disability status, but the appellant was deemed to be a person with disabilities in May 2011. In achieving that status the appellant received an increase to her benefit entitlement, to a total monthly allowance of \$906.42 (\$375 shelter allowance and \$531.42 support allowance).

In August 2011 the ministry paid the appellant's outstanding BC Hydro bill, thereby removing the outstanding debt she was not able to pay which accrued before her benefit allowance had been increased. From that point forward the appellant should have received the bills and requests for contact that were sent to her address. Even if this correspondence was not received, the panel agrees with the ministry that the expense was known and the appellant should have contacted BC Hydro on her own initiative and attempted to pay for the utilities, which were her responsibility. The panel therefore finds that accrued BC Hydro bills were not an unexpected expense as required under section 57(1)(a) of the EAPWDR.

It is a more difficult question to consider if failure to pay the crisis allowance will result in imminent danger to the appellant's health. While the appellant has supplied various documents spanning a period of six years, very few contain diagnosis or provide a medical opinion. The appellant has persons with disability status and has established that she has a number of ongoing health issues.

However serious; none of these issues appear to of an acute or seriously threatening nature. There is no opinion supplied by a physician in evidence regarding how failure to provide the item requested will result in imminent danger to the appellant's physical health. There is no question that living without power would be uncomfortable and very inconvenient for the appellant, the panel cannot find it would put her in a position of imminent danger to her physical health. The panel furthermore notes that even this were the case, the appellant still did not meet the first statutory requirement of section 57(1)(a) of EAPWDR.

The panel therefore finds that the ministry determination that the appellant was not eligible for a crisis supplement is reasonably supported by the evidence and confirms the ministry's decision to be a reasonable application of the applicable enactment in the circumstances.