

PART C – Decision under Appeal

The decision being appealed is the Ministry of Social Development (Ministry) June 4, 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 ministry was not in attendance at the hearing. After confirming that the ministry 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:

- May 9, 2011 the appellant submitted a written request to the ministry for a crisis supplement for clothing. The appellant indicated that he needs shoes as they had unexpectedly developed openings in which the elements could no longer be deterred. He also requested socks as most of his socks have developed holes and underwear as the elasticity no longer functions effectively. The appellant reports he cannot afford these items as he is on a fixed income and had tried local help services to no avail.
- May 7, 2012 the appellant submitted a similar request to that of his May 9, 2011 request with the exception that he indicates the zipper on his jeans unexpectedly broke and requires jeans in addition to shoes, socks and underwear.
- May 15, 2012 the ministry denied the appellant his request for a clothing supplement. They advised the appellant that he had submitted the identical letter requesting the same items on May 20, 2011 at which time he was issued \$100.00 for a crisis supplement. The ministry advised the appellant that his zipper breaking and shoes wearing out one year later cannot be unexpected once again.
- June 1, 2012 the appellant submitted a request for reconsideration. He indicates that he saves his documents and that he had planned to change the words in his request for a clothing supplement, but in his haste did not change them enough. The appellant further indicates he still requires clothes as he has lately been losing weight, has developed bed bugs which are leaving bites on him and he does not have enough money to purchase clothing.

In his Notice of Appeal (NOA) dated June 8, 2012 the appellant states "The ministry is simply obtuse or shortsighted. I read PWD Acts and it tells me I am entitled to \$100.00/yr for crisis every month or so as do so many in my position. Explain it to me in person." This new evidence submitted by the appellant in his NOA is admitted by the panel under section 22(4) of the Employment and Assistance Act as evidence in support of the information and records that were before the ministry when the reconsideration decision was made.

At the hearing, the appellant stated he was according to his interpretation of the legislation entitled to \$100.00 a year for crisis supplements. He applied last year for many of the same items and was granted these. He reports because of high use his shoes wore out unexpectedly. The appellant reports that he suffers from Hepatitis C and has weight and blood pressure issues. He further reports his monthly income assistance leaves little for clothing and that he tried to get vouchers from various community agencies. He observes that he cannot for hygiene reasons use shoes from a thrift store and needs good shoes to maintain exercise that assist in his need to lose weight and help with his blood pressure.

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 sections of the EAPWDR apply 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 contends he needs new clothing items as they have worn out and he needs these to maintain his health. He also contends that he is entitled under the legislation to \$100.00 annually for a crisis supplement for clothing and has received this previously.

The ministry's position, on the record, is that the appellant does not meet the criteria for a crisis supplement because the need for clothing was not an unexpected need and that failure to meet the expense or obtain the item will not result in imminent danger to the appellant's health. The ministry contends although the appellant states he has lost weight and has bed bugs he has not provided information that his weight loss is significant and has not demonstrated how the new clothing will alleviated his bed bug infestation. It also argues that it cannot conclude that there are no resources available to him to purchase clothing. In this respect, it contends that the appellant has not demonstrated that he has accessed other resources to meet his needs.

With regard to the first criterion, the panel finds that the wearing out of clothing is not something unexpected. It is a regular and expected occurrence. There is no evidence before it that the need for the clothing came unexpectedly or occurred without notice. Therefore, 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 as a necessity.

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. While the appellant provided in his testimony that he did access some community resources, the evidence did not show that the appellant could not have used his support allowance which is intended to allow the purchase of clothing. Therefore, the panel finds that the ministry reasonably determined that the appellant had resources available to him.

With regard to the third criterion and imminent danger to physical health, 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 it has not been demonstrated that failure to purchase the clothing will result in imminent danger to health.

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