

PART C – Decision under Appeal

The decision under appeal is the Reconsideration Decision dated August 13, 2012 in which the Ministry of Social Development ("Ministry") confirmed its decision to deny the Appellant a crisis supplement for the purchase of clothing. 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 panel consisted of the Reconsideration Decision Form and the Notice of Appeal.

The evidence before the Ministry at the time of the Reconsideration Decision is detailed in "Section 2 Decision to be Reconsidered" of the Reconsideration Form as follows:

"Client phoned to request \$100 for crisis clothing supplement. The client did not provide details to the phone worker to indicate that there was an unexpected expense. As well, the client had not accessed community resources. The phone worker offered [community resource] letters, which were subsequently mailed to the client. The client also stated that he really needs money for transportation, however the client just received an additional \$296 the previous week (top as PWD was just approved, which he stated he spent on food and utilities. Client denied crisis clothing as did not meet the criteria for an unexpected expense or unexpected need."

Also on the Reconsideration Decision Form, the Appellant states: "I really need this [crisis supplement] for emergency costs such as Hydro to stay connected. Also short of food . . .".

The Ministry's Reconsideration Decision confirmed the decision to deny the Appellant's request for a crisis supplement for clothing.

In the Notice of Appeal the Appellant states that the application for a crisis supplement, ". . . was not for clothing, it was for hydro, to stay hooked up + some emergency food . . .".

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 panel finds that, although the crisis supplement was subsequently claimed for items other than clothing, the Reconsideration Decision being appealed concerns the denial of a crisis supplement for clothing only. Accordingly, this panel must consider and render a decision as to whether Ministry's Reconsideration Decision to deny the Appellant a crisis supplement for clothing was a reasonable application of the applicable legislation

The Ministry's position is that the Appellant's application for a crisis supplement should be denied because this request does not meet the three criteria set out in section 57(1). That is, it was not unexpected, the Appellant has other resources in the form of his support allowance, and failure to provide the crisis supplement will not result in imminent danger to the Appellant's physical health.

The Appellant's position is that he needs the crisis supplement in order to avoid having his hydro discontinued and for "emergency food".

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 in this case the food and utilities expenses are "unexpected" or that they are "unexpectedly needed". Food purchases and utility payments are an everyday necessity that clients are reasonably expected to budget for from their regular income assistance payments. Therefore the panel finds that the Ministry reasonably determined that the expenses were not unexpected.

No Resources: Clients are reasonably expected to pay for food and utilities from their regular income assistance payments. In this case, the Appellant has not provided any evidence that he could not purchase food or pay his utilities from his monthly allowance, so that the Panel cannot conclude that he has no other resources. Therefore the Panel finds that the ministry reasonably determined that the Appellant has not established that he has no other resources.

Imminent Danger to Physical Health: The Appellant submits that he requires the crisis supplement in order to stay hooked up to hydro and for "emergency food". Unfortunately, the Panel had no supporting evidence before it explaining why the Appellant cannot use his regular income assistance payments to pay for these expenditures. However, 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 such that a crisis supplement should be disbursed.

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 clothing was a reasonable application of the applicable legislation.

Accordingly, the Panel confirms the Ministry's decision.