

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (ministry) reconsideration decision of August 28<sup>th</sup>, 2012 wherein the ministry determined the appellant was not eligible for a crisis supplement for food because the appellant had not provided the ministry with sufficient information to establish that she required a crisis supplement to meet an unexpected expense or obtain an item unexpectedly and that she did not have resources available to her to meet the expense or obtain the item (food) as set out in section 59(1)(a) EAR.

Further, the ministry determined that failure by the ministry to provide the crisis supplement for food will not result in imminent danger to the physical health of any person in the family unit or the removal of a child under *Child, Family and Community Service Act* as set out in section 59(1)(b) EAR.

### PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), section 59

## PART E – Summary of Facts

With the consent of both parties this appeal was conducted in writing as provided in section 22(3)(b) Employment and Assistance Act (EAA).

The evidence before the ministry at the time of reconsideration:

- Request for reconsideration dated August 28<sup>th</sup>, 2012.

The appellant is a single parent with five dependent children. The appellant receives \$375.58 for support, \$750 for shelter, \$45 for natal supplement and has a \$20 deduction for a repayable supplement. Her monthly rent is \$950 and the appellant has extra driving costs to attend medical appointments. In the spring of 2012 the appellant injured herself and has required ongoing physiotherapy treatments and unexpected expenses. On August 8<sup>th</sup>, 2012 the appellant requested a crisis supplement for food stating she no longer had funds for food due to rent costs, costs associated with child care. The appellant told the EAW that she had some food in the house, meat and cereal, but not much else and needed other food items to provide a good meal for her children. The ministry's file shows that on August 20<sup>th</sup>, 2012, the day prior to the request for a supplement, a \$1231.00 Canada Child Tax benefit was paid to the appellant and that in August the appellant also received a \$183.98 top up for August support and shelter. The ministry concluded the appellant has access to resources to meet her needs for food and advised the appellant she did not meet the criteria for a crisis supplement.

On October 11<sup>th</sup>, 2012 the appellant provided a one page written submission for consideration by the panel. The appellant provided her arguments in support of her request and acknowledged that she had received further funding and had received the child tax benefit after she had submitted her request but she was only trying to provide for her family.

The panel finds this submission contains information or evidence that is in support of the information and record that was before the ministry at the time the reconsideration decision was made and therefore is admissible as evidence under section 22(4) EAA.

The ministry advised the panel that the ministry will rely on the facts in the reconsideration decision and did not provide any new evidence.

## PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry of Social Development (ministry) reconsideration decision of August 28<sup>th</sup>, 2012 wherein the ministry determined the appellant was not eligible for a crisis supplement for food because the appellant had not provided the ministry with sufficient information to establish that she required a crisis supplement to meet an unexpected expense or obtain an item unexpectedly and that she did not have resources available to her to meet the expense or obtain the item (food) as set out in section 59(1)(a) EAR.

Further, the ministry determined that failure by the ministry to provide the crisis supplement for food will not result in imminent danger to the physical health of any person in the family unit or the removal of a child under *Child, Family and Community Service Act* as set out in section 59(1)(b) EAR.

The legislation considered: EAR – Section 59

- (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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 income 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

In reference to section 59(1)(a) EAR – unexpected expense or obtain an item unexpectedly needed - the ministry argued that the appellant applied for a crisis supplement for food because she had depleted all her income funds. The ministry argued information has not been provided to establish that the appellant requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed. The ministry argued that no detail was provided regarding the nature of the appellant's unexpected expenses except that the appellant has been undergoing physiotherapy treatments since May 2012 and the ministry argued these treatments should not be considered an unexpected expense.

The appellant argued she is a single mother with five children who was only asking for help when she needed it. The appellant acknowledged she had meat in the home but wanted rice or potatoes to go with it to make a good meal. The appellant argued her rent costs are \$950 a month but she only receives a \$750 shelter allowance and that she also pays her own cell phone bill, hydro and child care expenses. The appellant argued she is also attending school and getting rides is not easy any more due to the high cost of gasoline, that she is trying to better herself to be a good example to her children and the unexpected expense of travelling to medical appointments and school had depleted her income funds.

The panel finds the evidence supports the ministry's position and there is insufficient information before the panel to find the appellant had an unexpected expense(s) or needed an item unexpectedly. The appellant's expenses for physiotherapy treatments have been ongoing for several months and cannot be considered unexpected and purchasing food cannot be considered an item that is needed unexpectedly. Therefore, the panel finds that the ministry's decision that appellant was not eligible for a crisis supplement to meet an unexpected expense or obtain an item that was unexpectedly needed was reasonable.

Further, in reference to section 59(1)(a) EAR - regarding resources available to the family unit to meet the unexpected expense or obtain the item unexpectedly needed – the ministry argued that the appellant had several resources available to make the necessary purchases as she had received her monthly shelter and support allowance, she had received a top up to her August support and shelter allowance and two days after she applied for the supplement she received \$1231.00 in a Canada child tax benefit.

The appellant argued that all her income funds had been depleted on rent, child care and other expenses when she applied for the supplement. The appellant did acknowledge in the Notice to Appeal the receipt of the child tax benefit.

The panel finds the evidence does not support the appellant's position that she does not have resources available for unexpected items or items needed unexpectedly (to purchase food) because she did acknowledge receipt of the income benefits and the Canada child tax benefit which was received shortly after her application for the supplement.

The panel finds the ministry's decision to determine that the appellant had resources available to meet an unexpected expense or obtain an item needed unexpectedly was reasonable.

In reference to section 59(1)(b) EAR – the minister considers that failure to meet the expense or obtain the item unexpectedly needed will result in imminent danger to the physical health of any person in the family unit, or the removal of a child under *Child, Family and Community Service Act*.

The ministry argued that the appellant wanted a crisis supplement to purchase food, however, the appellant told the ministry worker that she had several food items in the home but didn't have money to purchase other food items rice or potato - that she wanted. The ministry also argued that no information was provided to establish that failure to provide the supplement would result in the removal of any of her children.

The appellant argued that she was only requesting the supplement so she could purchase some other food items so she could give her children a good meal as her income funds had been used for other expenses.

The panel finds there has been no evidence before the panel that the appellant or any member of her family were in imminent danger if the ministry did not provide the supplement for food as there was food in the home and the appellant acknowledged this fact. The panel also finds there is no evidence to establish that any of the appellant's children were at risk and may have been removed from the appellant's home if the supplement was not provided.

The panel finds that the ministry's decision to determine that failure to meet the expense or obtain the item unexpectedly needed would not result in the imminent danger to the physical health of any person in the family unit or the removal of a child under *Child, Family and Community Service Act* was reasonable.

The panel finds that the ministry's reconsideration decision is supported by the evidence and confirms the decision pursuant to section 24(1)(a) and 24(2)(a) of the EAA.