

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (ministry) reconsideration decision dated September 11, 2012 which denied the appellant's request for a crisis supplement to cover the cost of a bed. The Ministry held that the requirements of Section 57 of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) were not met as the ministry found that the cost of a bed was not an item unexpectedly needed and there was insufficient evidence that there are no resources available to the family unit to pay for the cost of a bed.

PART D – Relevant Legislation

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

PART E – Summary of Facts

The evidence before the ministry at the time of the reconsideration decision consisted of:

- 1) Prescription note dated September 4, 2012 for the appellant stating that she has chronic post-accident back pains from 1987 MVA (motor vehicle accident), serious MVA 11 ribs broken & right arm, neck and back pain, appropriate bed/mattress, not Futon; and,
- 2) Request for Reconsideration- Reasons.

In her Notice of Appeal, the appellant stated that she is currently suffering in her body due to injuries particularly due to an accident, including 11 fractured ribs, lung lesion, spinal cord, whiplash, etc.

In her Request for Reconsideration, the appellant stated that she has a medical condition due to an ICBC 1987 MVA in which she sustained 11 fractured ribs, lung lesion, broken arm, internal injuries, etc. (illegible), spinal cord damages. Re ICBC case worker- she will submit letter from doctor ASAP.

The ministry's evidence is that the appellant is a single Person With Disabilities (PWD) recipient of disability assistance with no dependents. The appellant has been living in her current residence for a year. The appellant requested a crisis supplement for a new bed. The appellant advised the ministry that she needs a new bed because of her injuries from a motor vehicle accident. The appellant advised that the futon she is currently sleeping on is causing problems. The appellant submitted a note from her doctor indicating that the appellant has chronic post-accident back pain from an MVA in 1987 and that she needs an appropriate bed and mattress, not a futon. The appellant has not provided evidence that she has explored all other resources to meet her need.

PART F – Reasons for Panel Decision

The issue on the appeal is whether the ministry's decision which denied the appellant's request for a crisis supplement to cover the cost of a bed, on the grounds that the requirements of Section 57 of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) were not met, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the appellant's circumstances.

Section 57(1) of the EAPWDR sets out the eligibility requirements which are at issue on this appeal for providing the crisis supplement, as follows:

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*.

The appellant's position is that the cost of an appropriate bed/mattress is an item unexpectedly needed, that she has no resources available to her to obtain the item and that failure to obtain the item will result in imminent danger to her physical health. The appellant points to the numerous injuries that she sustained in a 1987 MVA and states that she is currently suffering in her body due to these injuries and that her doctor has prescribed an appropriate bed/mattress to alleviate her back pains.

The ministry argues that the provisions of Section 57 of the EAPWDR allow for the ministry to provide a crisis supplement when all of the legislative criteria are met, specifically in this appeal that the supplement is required to obtain an item unexpectedly needed, there are no alternate resources available to the family unit to obtain the item, and failure to obtain the item will result in imminent danger to the appellant's physical health. The ministry argues that the appellant has been living in her current residence for a year, the MVA was in 1987 and that she is currently using a futon, so that a more suitable bed is not an unexpected need. The ministry argues that there is no confirmation that the appellant has explored all other resources available to meet the need. The ministry also argues that failure to meet the need immediately would not result in imminent danger to the appellant's health.

The panel finds that the appellant's doctor has prescribed an appropriate bed/mattress, not a Futon, for the appellant to help alleviate the chronic back pains she currently suffers from a 1987 motor vehicle accident. However, since the motor vehicle accident occurred approximately 25 years ago and the appellant has a current bed in the form of a futon, there is no explanation provided for how a different bed/mattress is an "unexpected need." Although the appellant refers to her ICBC case worker submitting a letter from the doctor, there was no additional information provided from a physician. In the September 4, 2012 note, the physician refers to the appellant's back pains as "chronic", or ongoing, and the panel finds that the ministry reasonably concluded that the cost for a different bed is not an item "unexpectedly needed," under Section 57(1)(a) of the EAPWDR.

The panel also finds that the appellant has not provided sufficient evidence to demonstrate that there are no alternate resources available to the family unit to meet the expense of a different bed. The panel finds that there is no information provided about the cost of the proposed appropriate bed/mattress to indicate whether it would be possible to budget for this item from the support allowance paid to the appellant, or information that

efforts have been made by the appellant to obtain a bed or funds towards the cost of the bed from other community resources. The panel finds that the ministry's conclusion that it cannot be determined that there are no resources available to the family unit to meet the expense, under Section 57(1)(a) of the EAPWDR, was reasonable.

The panel finds that the appellant's physician has confirmed that the appellant experienced an adverse impact to her physical health as a result of the 1987 MVA, that she continues to experience chronic back pains, and that an appropriate bed/mattress will help alleviate this condition. Given that the condition is described by the appellant's physician as chronic, or ongoing, and there was no additional information provided by a physician, the panel finds that the ministry reasonably determined that there was insufficient evidence provided to support a finding that failure to obtain the different bed/mattress will result in an imminent danger to the appellant's physical health, which requires an immediacy to the danger to physical health. Therefore, the panel finds that the ministry's conclusion that there is not sufficient information to establish that failure to obtain this item will result in imminent danger to the appellant's physical health, pursuant to Section 57(1)(b) of the EAPWDR, was reasonable.

The panel finds that the ministry's reconsideration decision, which denied the appellant's request for a crisis supplement for the cost of a bed because the requirements of Section 57 of the EAPWDR were not met, was reasonably supported by the evidence and the panel confirms the ministry's decision.