

**PART C – Decision under Appeal**

The decision under appeal is the reconsideration decision dated October 29, 2012 in which the Ministry of Social Development (the ministry) denied the appellant a crisis supplement for clothing because he did not meet the criteria necessary in s 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR).

**PART D – Relevant Legislation**

Employment and Assistance for Persons with Disabilities Act (EAPWD) section 5  
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 was:

- A request for reconsideration form dated October 23, 2012 completed by the appellant. The appellant writes that he volunteers at two places and he needs his car to drive there. He explains that he spends his extra money on his car so he can get to his volunteer jobs. He adds that he enjoys volunteering and it keeps him busy.

In the Notice of Appeal dated November 8, 2012 the appellant writes that all the money he gets is spent on his rent, food, gas, and water so he has no money left for winter clothes. He adds that he has been sober for 16 years.

At the hearing the appellant told the panel that he has no money to buy the winter clothes he needs for the season. He added that he is a diabetic and he has special dietary needs that cost him more than a normal diet. He added that he needs his van so that he can drive to the two organizations that he volunteers for. The volunteer positions are not in the city that he lives and therefore must drive to the locations. Both volunteer locations are approximately 30 minutes from his residence. These two obligations, the appellant argues, use all the extra money from his cheque. The appellant stated that has looked at the thrift stores but that the clothes are too expensive.

The appellant stated that he has some clothing but it is not warm enough for the winter since one of his volunteer positions takes him outdoors at times. The appellant stated that he knew winter was coming but he did not have the funds to purchase the clothes due to his other obligations.

At the hearing the ministry told the panel that the appellant receives a dietary supplement of \$35 per month as well as an additional \$100 monthly volunteer grant. The ministry told the panel that the need for winter clothing can not be considered unexpected and that there are resources locally that offer free clothing to people including work clothes that the appellant can access. The ministry added that appellant could choose to volunteer at an organization that is in his own city rather than drive 30 minutes as he does now. This reduced driving will save him fuel costs. The ministry informed the appellant at the hearing that he is able to earn an additional \$800 each month without affecting his disability benefits.

The ministry explained to the panel that in order to make a determination if the crisis supplement is required to avoid imminent danger to the applicant, the ministry would make observations when the applicant is in the office. The ministry observed that the appellant was fully and appropriately clothed when he attended the office to make his initial application and therefore the ministry found that the appellant would not be placed in imminent danger if he did not receive the crisis supplement. The ministry told the panel that there are other sources of winter clothing available to the client including charities that the appellant was not aware of.

The panel finds:

- The appellant has diabetes and requires a special diet that costs more than a regular diet.
- The appellant is a volunteer for two organizations in different towns each an approximately 30 minute drive from his residence.
- The appellant received from the ministry a \$35 supplement for his dietary needs as well as \$100 for his volunteer activities.

## PART F – Reasons for Panel Decision

The issue under appeal in this case is the reasonableness of the ministry's decision to deny the appellant a crisis supplement for clothing based on the ministry determination that he did not meet the criteria set out in the legislation.

### Employment and Assistance for Persons with Disabilities Act (EAPWD) section 5

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

### Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57

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.

(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 argument of the appellant is that he requires the crisis supplement for winter clothing since he has only clothes for mild weather. He argues that his special diet for his diabetes as well as the cost of maintaining his vehicle requires all his extra money leaving him nothing to purchase winter clothes.

The argument of the ministry is that the appellant's request does not meet the criteria for a crisis supplement as set out in the legislation. The ministry found that the appellant's need for winter clothing cannot be considered unexpected. The ministry also found that the appellant's failure to purchase winter clothing would not result in imminent danger to his health. The ministry further asserts that the appellant has not explored alternate resources to purchase clothing such as local charities and thrift stores.

The legislation requires that the need for the crisis supplement be unexpected, that the failure to obtain item will result in imminent danger, and that there are no other resources available to the applicant to obtain the item. The panel finds that the ministry's decision that the appellant's need for winter clothing was not unexpected was reasonable. The panel relied on the testimony of appellant that the need for the clothes was not unexpected but that his need for extra funds for clothes was due to his high food cost and vehicle expenses. The panel finds that the ministry was reasonable in determining that the appellant was not in imminent danger without the new clothes. The panel relied on the ministry's testimony that the appellant attended the office clothed appropriately and that the safety of the appellant was not in compromised. There was no additional evidence presented to the panel that would suggest that the failure to provide the crisis supplement will present an imminent danger to the health of the appellant. The panel finds that the ministry was reasonable to determine that there are other resources available to the appellant to obtain the clothing. The panel relied on the testimony of the ministry that there are charities in the appellant's city that do not charge for good quality winter clothing.

The panel finds that the ministry's decision was a reasonable application of the legislation and therefore confirms the ministry's decision.