

**PART C – Decision under Appeal**

The decision under appeal is the Ministry's Reconsideration decision dated September 7, 2012 wherein the Ministry denied the appellant's request for a crisis supplement to purchase clothing under section 57 of the Employment and Assistance for Persons With Disabilities Regulation because the need for the item was not considered to be an unexpected expense, the appellant had alternate resources to purchase clothing, and failure to obtain clothing would not result in imminent danger to her physical health.

**PART D – Relevant Legislation**

Employment and Assistance for Persons with Disabilities Act, Section 5  
Employment and Assistance for Persons with Disabilities Regulation, Section 57

## PART E – Summary of Facts

The appellant is a person with disabilities and receives assistance as a single parent. The appellant does not have in suite laundry and relies on others to assist her with her laundry.

In August 2012 the appellant requested a crisis supplement for clothing stating that she had given her laundry to a friend to launder a couple of months ago however her friend never returned the clothing. She has attempted to contact her friend to have the items returned, but her friend has moved and she cannot locate her. The appellant says she was stunned as she did not expect to lose two large bags of clothing. She was in a crisis and left with this unexpected situation.

She says that because she is on a limited income she is not able to purchase replacement items for her and her son. She says that her larger size makes it difficult for her to obtain clothing from second hand stores and community resources. Additionally, she says that some of the clothes were winter clothes so new winter clothing is required to avoid a risk to her physical health. In this regard, she further adds that her sixteen year old son has been bullied in the past due to the clothes he wears and that consequently he will face imminent danger if she does not purchase replacement clothes for him.

The appellant has provided a list identifying that the stolen clothing included approximately \$182.00 worth of clothing items for herself, approximately \$300.00 worth of items for her son, and about \$38.00 worth of miscellaneous items.

The Ministry denied the appellant's request saying that it is not satisfied that the appellant's need is for an unexpected expense or an item unexpectedly needed, it is not satisfied that the appellant has no resources available to her to obtain the item on her own, and further the Ministry says that failure to obtain the item will not result in imminent danger to her physical health.

In her new evidence on appeal, the appellant contends that the Ministry provided a narrow interpretation of the legislation on reconsideration and failed to give consideration to the evidence before the Minister. Additionally, she provides a medical note dated November 8, 2012 which states that the appellant is 5'9 ½ " and weighs in excess of 200 lbs. Her physician states that the appellant is in the overweight category, and that she has apparent difficulty with purchasing second hand clothes but could not confirm this.

The panel has considered the new evidence submitted by the appellant in her notice of appeal and finds that it is admissible under section 22(4) of the Employment and Assistance Act as it is evidence in support of the appellant's original application, and evidence in support of the information and records that were before the ministry when the reconsideration decision was made.

## PART F – Reasons for Panel Decision

The issue on this appeal is whether the Ministry reasonably concluded that the appellant's request for a crisis supplement for clothing should be denied pursuant to section 57 of the Regulation on the basis that the item is not considered to be an unexpected item, on the basis that the appellant has alternate funds from which to pay for the item, and that failure to provide the item will not result in imminent danger to the appellant's physical health.

The following section of the Employment and Assistance for Persons with Disabilities Regulation applies to this decision:

### **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.
- (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 Ministry's position is that the appellant does not meet the eligibility criteria for a crisis supplement as set out by section 57. Specifically, the Ministry says the appellant has not provided information to establish that the clothing items are an unexpected expense or items unexpectedly needed. The Ministry points out that the appellant (according to her own evidence) had the items stolen "a couple of months ago" yet did not make her request for a crisis supplement until August 16, 2012. Further, the Ministry points out that, based on the information provided, it appears that the appellant has other clothing to wear (her "good clothes") and that she presumably wore those clothes for two months prior to making her application for a crisis supplement.

The Ministry also contends that the appellant has alternate resources from which to purchase clothing. The ministry says that since the items had gone missing, the appellant had been issued the full monthly amount of disability assistance on three consecutive dates, and that the appellant could have used her support money to meet her need for clothing.

Finally, the Ministry says that the failure to provide the requested items will not result in imminent danger to the appellant's physical health. In the Ministry's opinion, the arrival of winter does not constitute an imminent physical threat (nor is it an unexpected event).

APPEAL #

The appellant's position is that the loss of her clothing items was entirely unexpected because she never expected her friend to run off with her bags of clothing. She contends that she does not have additional resources from which to purchase new bags of replacement items as she is a single mother on income assistance. In this regard, she adds that, due to her size, she finds it extremely difficult if not impossible to purchase clothes from second hand stores. She says her son is already bullied because of the clothes he wears, and that he is unable to access resources for clothes due to his insecurity and the fear of being bullied for the clothes he wears. Lastly, she reiterates that both she (due to the onset of winter) and her son especially (due to the bullying) will suffer imminent danger to their physical health if the clothing crisis supplement is not granted.

Dealing first with the question of whether or not the item is an unexpected expense, the panel finds that it was reasonable for the Ministry to conclude that, while it could not be anticipated that the friend would run off with the appellant's laundry, the item is no longer considered "unexpected" where the appellant waited two months before making an application to the Ministry for a crisis supplement. The appellant has not provided any information to explain the delay except that she thought her friend was acting in good faith and that she was expecting to receive the items back. Further, the Ministry points out that, based on the information provided, it appears that the appellant has other clothing to wear (her "good clothes") and that she presumably wore those clothes for two months prior to making her application for a crisis supplement.

The panel further finds it reasonable that the Ministry concluded that, in the intervening two month period, the appellant had the opportunity to budget her resources so that she could replace at least some of the clothing items with the financial resources that she continued to receive from income assistance. In considering the respective submissions of the appellant and the Ministry, the panel finds that the Ministry reasonably concluded that the appellant has alternate funds from which to purchase the requested items because the items requested by the appellant are anticipated items of necessity that should be budgeted for.

Lastly, the panel finds that the Ministry reasonably concluded that failure to provide the items will not result in imminent danger to the appellant's physical health. Notwithstanding her concern about the winter weather, there is no evidence (medical or otherwise) to support the appellant's concern regarding her health if the item is not provided. As for any concerns about her son's safety, again there is no evidence (medical or otherwise) to support the appellant's concern for imminent danger to his health. As such, the panel further finds that the ministry reasonably concluded that failure to provide the item will not result in imminent danger to the appellant's physical health.

In summary, section 57 of the Employment and Assistance for Persons with Disabilities Regulation lists certain criteria which must be met before one can receive a crisis supplement. In this case, and applying the legislation to the facts of this case, the appellant did not meet the test of proving that the item in question was an unexpected expense or unexpectedly needed, that failure to provide the item would result in imminent danger to the physical health of any person in the family unit, and that there were no alternate resources to purchase the item. As such, the panel finds that the Ministry's decision was reasonable as the evidence confirms that the appellant does not meet all of the legislated criteria. The panel therefore finds that the Ministry's decision was reasonably supported by the evidence and confirms the decision pursuant to section 24(1)(a) and 24(2)(a) of the Employment and Assistance Act.