

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development (the ministry) dated November 26, 2012 denying the appellant a crisis supplement for food.

The ministry determined that there were no alternate resources available and that failure to obtain food would result in imminent danger to the appellant's health, but the ministry was not satisfied that the appellant's need for the item was unexpected or that there was an unexpected expense as required by section 57(1)(a) of the Employment and Assistance for Persons with Disabilities Regulation.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA) – section 5
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) – section 57

PART E – Summary of Facts

The evidence before the ministry at reconsideration consisted of the following:

1. The appellant's request for reconsideration dated November 16, 2012; and
2. Receipt from a moving company dated October 27, 2012 in the amount of \$268.80

In her request for reconsideration the appellant states that she was facing financial hardship before she moved due to expensive utility bills and old appliances in her rental unit. The appellant states that she suffers from arthritis and lack of iron and her family doctor told her to have good nutrition such as milk and meat but she cannot afford those items. The appellant states that she has to purchase mineral supplement but cannot afford that either. The appellant states that she borrowed money from friends last month and cannot borrow any more. The appellant states that her son is living with her but he is ill and waiting to see a specialist and cannot support her.

In her Notice of Appeal dated December 6, 2012 the appellant states that she wishes she could receive moving costs because she used her food money to pay for the cost of her move.

The ministry relied on its Reconsideration Decision which states that the appellant's request for a moving supplement was denied on October 23, 2012 and that she moved on October 27, 2012. The reconsideration decision states that the ministry is not satisfied that not being reimbursed for her moving expenses was an unexpected expense and that the appellant's need for groceries is not an unexpected item of need. The ministry argues that as there has been no unexpected need or expense, the appellant does not qualify for a crisis supplement.

With the approval of the parties, the hearing proceeded on the basis of the written materials, in accordance with Section 22(3)(b) of the Employment and Assistance Act.

The panel finds as follows:

1. The appellant is a person with a disabilities designation receiving disability assistance pursuant to the EAPWDA;
2. The appellant requested a moving supplement and her request was denied on October 23, 2012;
3. The appellant moved on October 27, 2012; and
4. The appellant requested a crisis supplement for food.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry reasonably determined that the appellant is ineligible for a crisis supplement because she did not meet all the requirements of section 57 of the EAPWDR.

The ministry was satisfied that the appellant does not have alternate resources available and that failure to obtain the item or meet the expense will result in imminent danger to the appellant's health. However, the ministry determined that the information provided did not establish that the appellant's need for the item is unexpected or that there is an unexpected expense as required by section 57(1)(a) of the EAPWDR.

Section 57 of the EAPWDR states 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*.

Whether the need for the item is unexpected or there is an unexpected expense

The Ministry's position is that the appellant's request for a moving supplement was denied on October 23, 2012 and that she moved on October 27, 2012. The ministry is not satisfied that not being reimbursed for her moving expenses was an unexpected expense and that the appellant's need for groceries is not an unexpected item of need. The ministry argues that as there has been no unexpected need or expense, section 57(1)(a) of the EAPWDR has not been met and the appellant does not qualify for a crisis supplement.

The appellant argues that she was facing financial hardship before her move and that she cannot afford to purchase the grocery items she needs or the mineral supplement recommended by her physician.

The panel finds that the evidence establishes that the appellant was aware of her move and was aware that she would require groceries and mineral supplements. As the appellant was aware of

these expenses, the panel finds that the ministry reasonably determined that these items were not an unexpected expense or an unexpected item of need and that the ministry's decision is a reasonable application of the applicable enactment in the circumstances of the appellant.

Therefore, the panel confirms the reconsideration decision.