

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development's (Ministry) reconsideration decision dated the 22 November 2012, that denied the Appellant's application for Crisis Supplement to obtain food for the month of November 2012 because that the three eligibility criteria were not met as specified in Section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR).

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 (1)

PART E – Summary of Facts

The evidence before the Panel was:

1. Notice of Appeal, dated the 29 November 2012, stating the Appellants reasons for the appeal and requesting the appeal be heard by teleconference.
2. A Fax cover document from the Appellant to the Employment and Assistance Appeal Tribunal Office, dated the 29 November 2012.
3. The Reconsideration Decision dated the 22 November 2012 with attached Appendix – Applicable Legislation.
4. Request for Reconsideration dated the 16 November 2012, signed by the Appellant stating his reasons for appeal.

The evidence provided by the Ministry is that :

1. The Appellant is currently receiving disability assistance as a single recipient as of December 2011.
2. That the original Crisis Supplement Application was for Food in the month of November 2012, which application was made on the 14 November 2012.
3. That Appellant stated that he had expended a lot of energy and funds waiting for a decision on his orthotics and that he was not in immediate need of anything specific.
4. That the Appellant's issue according to his Request for Reconsideration was to do with the requirement to obtain orthotics (feet) remedies rather than to obtain food.
5. That the Appellant has not shown in his written statements that the need for food was unexpected, nor that alternate resources were not available to him and that failure to obtain the item will result in Imminent danger to his health.

The written evidence provided by the Appellant is that:

1. In the Notice of Appeal, the Appellant states that "The reason of why I'm disagreeing with the Ministry's decision is the wait for the other decision of medical equipment for my feet which is surgery and due to this I've bought foot stuff for runners which were expensive for me anyway please consider I am waiting for reply on the medical equipment decision. "
2. That the problem with the feet has been going on for a period of 3 months and only getting worse. That it is becoming very difficult for him to move around. That surgery and equipment is required to remedy his feet problems.

PART F – Reasons for Panel Decision

The issue being appealed is whether the Ministry reasonable determined that the Appellant does not meet the requirements for a crisis supplement for food, under Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulations and Section 5 of the Employment and Assistance for Persons with Disabilities Act.

The Legislation is:

Employment and Assistance for Persons with Disabilities Act, Section 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 Regulations, Section 57 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*.

Upon hearing from the Ministry and reviewing the written documentation from the Appellant, the Panel finds that :

Criterion # 1 – That the need for the item is unexpected .

The written evidence before the Panel does not demonstrate why the need to obtain funding to purchase food was a result of any unexpected events. Therefore the Panel finds that the Ministry was reasonable to determine that criterion # 1 has not been met.

Criterion #2 – Unable to meet the expense or obtain the item because there are no resources available.

The Panel understands that the Appellant is designed a Person with Disability and in receipt of monthly support allowances. The Panel finds that no evidence was provided by the Appellant to show that other resources including his monthly support were not available from which to obtain food. Therefore the Panel finds that the Ministry was reasonable to determine that criterion # 2 has not been met.

Criterion #3 – Failure to meet the expense or obtain the item will result in imminent danger to the physical health.

The Appellant in his written documents, has indicated that the need for medical surgery and equipment for his feet if not treated could cause injury to his physical health through being struck by a motor vehicle or by other walking movement. The Panel finds that the Appellant has not given any

evidence that he is unable to obtain food, or that this will result in imminent danger to his physical health. Therefore the Panel finds that the Ministry was reasonable to determine that criterion # 3 has not been met.

The Panel finds that the Ministry was reasonable to determine that none of the three criteria of the Legislation under Section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulations have been met.

Therefore, the Panel finds the Ministry's reconsideration decision was reasonable and confirms the Ministry's reconsideration decision pursuant to Section 24(2)(a) of the Employment and Assistance Act.