

PART C – Decision under Appeal

This is an appeal of a reconsideration decision of the Ministry of Social Development ("the ministry") dated February 18, 2013, in which the ministry denied the appellant a crisis supplement for furniture. The ministry relied on section 5 of the *Employment and Assistance for Persons With Disabilities Act* ('EAPWDA') and section 57 of the *Employment and Assistance for Persons With Disabilities Regulation* ('EAPWDR'), finding that there was not an unexpected expense or an unexpected need, nor was there any evidence that the appellant had explored other resources nor that failure to provide the furniture would result in imminent danger to the appellant.

PART D – Relevant Legislation

EAPWDA Section 5
EAPWDR Section 57

PART E – Summary of Facts

The following information was before the ministry at the time of reconsideration:

- The appellant is in receipt of disability assistance.
- A note from the appellant dated February 6, 2013. It notes that she arrived in her new town with only what she was wearing and was initially approved for a bed by the ministry in the nearby city but could not pay the \$80 delivery fee to her town. She has since been sleeping on the floor for four months. She has found a bed in her town for \$100 and requests that the ministry pay this amount.
- A request for reconsideration received by the ministry on February 8, 2013 setting out the appellant's situation.

Information received subsequent to reconsideration and prior to the hearing:

- A letter from the appellant's GP stating, "[the appellant] is physically unwell and requires a bed to manage her symptoms." Attached was a referral to massage therapy to address her back pain.

Information received at the Hearing:

- The appellant described the situation she faced which resulted in her need for a bed. She was given two days' notice to leave her residence in the town in which she lived. This occurred in October 2012. She was unable to take any household items with her and only took her clothing. She was offered a place to stay in another town, which she accepted. In transition to the new town she went through the nearby city, which has a ministry office. She requested and was approved for a crisis supplement to pay for a bed for sale in this city. However, she couldn't pay the \$80 delivery fee to have it delivered to her residence in her new town so did not take it.
- The appellant requested another crisis supplement in February 2013, as a bed came up for sale in her new town for \$100. The ministry denied her request.
- The appellant had back surgery in 1990 and suffered from spinal meningitis. She had further surgery in 2000 and she has a referral to a back specialist and thinks she is likely to have a third surgery. She takes Tylenol 4 throughout the day to manage her pain. Being on the floor exacerbates her symptoms. She states the referral to massage therapy is required if she does not get approval for a bed.

Under section 22(4)(b) of the Act, the panel admitted the new evidence as it is in support of information and records which were before the ministry at the time of its decision. The ministry did not submit a challenge to the appellant's introduction or the content of this evidence.

PART F – Reasons for Panel Decision

The issue to be decided is whether the ministry's decision to deny a crisis grant for furniture, pursuant to section 57 of the EAPWDR, was reasonably supported by the evidence, or a reasonable application of the applicable enactment in the circumstances of the person appealing the decision.

Section 57 of the EAPWDR states:

- 57 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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*.

Appellant's submission

The appellant argues that she was approved by the ministry for a crisis grant in October 2012 for a bed but couldn't pay the delivery cost to her new town. A bed is now available in her new town for \$100 and the ministry should pay for it. She argues that her back condition requires her to have a bed; otherwise she'll have to go to massage therapy. Her disability assistance payments are not sufficient to permit her to buy a bed.

Ministry's submission

The ministry argues that the approval in October 2012 was based on the fact that she had to move on short notice and the bed costs were unexpected. Four months later the expense is no longer unexpected and the appellant's assistance payments are designed to include expenditures on furniture. The reconsideration decision also notes a lack of information indicating there are no resources available to her nor that failure to provide the furniture will result in imminent danger to her physical health.

Reasoning

The facts of this case are not in dispute: the appellant was required to move quickly from one town to another in October 2012. Given the abrupt nature of her circumstances she was approved for the purchase of a bed in the city where the ministry office was located. Unfortunately, she was unable to pay the cost to transport it to her new residence. Four months later, in February 2013, another request was denied by the ministry for the reasons noted above.

The first criterion is set out in EAPWDR section 57 (1)(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..."

The ministry was reasonable to find that the February 2013 need was not unexpected. The panel notes that the appellant has been at her new residence for four months and no unexpected events have occurred which would meet the first criterion.

The second criterion is also in section 57(1)(a):

“and is unable to meet the expense or obtain the item because there are no resources available to the family unit...”

The ministry further determined that information was not provided to indicate that the appellant had no resources to obtain the furniture. The ministry reasonably held that her disability payments are designed to cover expenses such as furniture and the appellant is expected to plan accordingly. Nor was evidence adduced that community resources were canvassed or unavailable.

The third criterion is found in section 57(1)(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...”

The appellant provided a letter from her GP stating:

“[the appellant] is physically unwell and requires a bed to manage her symptoms.” Attached was a referral to massage therapy to address her back pain.

The appellant stated at the hearing that the referral to massage therapy would be required if she did not get a proper bed.

The criterion in this section includes the phrase “imminent danger.” This is a test requiring a high degree of immediacy and the GP’s letter regarding symptom management does not render unreasonable the ministry’s conclusion that there was no evidence to indicate that she faced imminent danger to her physical health.

Section 57(1)(b)(ii) discusses crisis supplements for situations where:

“the minister considers that failure to meet the expense or obtain the item will result in
...
(ii) removal of a child under the *Child, Family and Community Service Act*.

There was no evidence that there were children in the family unit nor that they were subject to removal, therefore this test was not applicable to the appellant in this case.

In conclusion, the panel finds the ministry’s decision was a reasonable application of the applicable enactment in the circumstances of the person appealing the decision.

The decision is confirmed.