

PART C – Decision under Appeal

The decision under appeal is the reasonableness of the Ministry's reconsideration decision dated December 27, 2012, finding the Appellant ineligible for a crisis supplement to cover the cost of purchasing furnace fuel because he does not meet the legislated criteria as set out in section 57(1) of the EAPWDR.

PART D – Relevant Legislation

The relevant legislation is the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57(1).

PART E – Summary of Facts

The Appellant is in receipt of assistance as a person with disabilities. He has multiple sclerosis and suffers from painful muscle spasms in temperatures that are either too hot or too cold.

In 2008 the Appellant moved from a metropolitan area to a small, relatively isolated town in order to lower his rental costs. Unfortunately, the Appellant discovered after his move that although rental costs were lower, many other costs were higher. He also lost a monthly transportation allowance of about \$800, which he had previously received from the Ministry.

The Appellant's current accommodation is heated by firewood and furnace fuel. The Appellant stated that he was surprised to find upon moving to the town in which he now resides that he needs to heat his house most of the year: from September to June. This has significantly increased his heating costs.

The only supplier of furnace fuel for the area is located a significant distance away and so requires a minimum payment of \$350 to deliver to the Appellant's town. Late in 2011, the Appellant received a crisis supplement from the Ministry to pay for his furnace fuel. The Appellant apparently paid the supplier with his credit card at that point.

Through 2012, the Appellant attempted to save money in order to cover the cost of his furnace fuel through the winter, but managed to save only \$50 because he had to heat his residence for much longer than he had planned due to colder-than-expected temperatures.

Through the months of September and October, 2012, the Appellant heated his residence with firewood.

Low on firewood, on November 7, the Appellant applied to the Ministry for a crisis supplement for \$350 to pay for a delivery of heating oil. On that date the furnace fuel supplier faxed the Ministry stating that the Appellant had requested delivery of \$350-worth of furnace fuel. The Ministry denied this request on November 9.

On November 29, the furnace fuel supplier again faxed the Ministry stating that the Appellant had asked them to deliver \$450-worth of furnace fuel. On or about that date the furnace fuel company actually delivered the fuel to the Appellant's residence and charged the amount of \$349.97 to the Appellant's credit card – which number they had on file from the previous year.

On December 11, the Appellant submitted a request for reconsideration of the Ministry's decision to deny him a crisis supplement for the cost of the furnace fuel.

The Appellant stated at the hearing that in order to pay off this charge to his credit card, which put him over his limit on the card, he was forced to borrow \$500 at a high rate of interest.

Currently, then, the Appellant has sufficient furnace fuel to see him through the winter, but is struggling to cover the payments for the money he borrowed to pay for the furnace fuel.

PART F – Reasons for Panel Decision

The decision under appeal is the reasonableness of the Ministry's reconsideration decision dated December 27, 2012, finding the Appellant ineligible for a crisis supplement to cover the cost of purchasing furnace fuel because he does not meet the legislated criteria as set out in section 57(1) of the EAPWDR.

The relevant legislation is the EAPWDR section 57(1):

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*.

The Ministry's position is that the Appellant does not qualify for a crisis supplement because he does not meet the criteria set out in section 57(1). That is:

1. The need was not "unexpected" as the Appellant should have been aware based on his experience in the previous year that he would need to purchase furnace fuel for the winter months.
2. The Appellant was able to meet the expense in that he paid for it with his credit card.
3. Failure to meet the expense would not result in imminent danger to the physical health of the Appellant, as the Appellant did in fact pay for the furnace fuel and so avoid the crisis.

The Appellant argued that:

1. He had attempted to save money in order to pay for the furnace fuel but was not prepared for the length of the winter seasons in 2012, which had forced him to spend more money than he had planned on heating costs through 2012.
2. He was actually not able to pay for the furnace fuel with his credit card as the charge exceeded his credit limit and forced him to assume a debt which he cannot pay down.
3. He physical health was in imminent danger as without the furnace fuel his multiple sclerosis would have seen him suffer painful muscle spasms due to the cold temperatures.

The panel notes that all three of these criteria must be met in order for the Appellant to qualify for the crisis supplement.

Was the crisis "unexpected"? The panel finds that the Appellant has lived in his current town for four

years and must be aware of the length of the winters there. While the panel appreciates that it can be difficult to save money on a disability allowance and that temperatures may vary from year-to-year, it cannot find that the Appellant did not expect to have to pay for furnace fuel for the winter months.

In this case, the Appellant paid for and received the furnace fuel. In these circumstances the crisis facing the Appellant – no way to heat his residence through the winter – was averted. This is not to say that the Appellant does not face the difficulty of having to pay off the debt so incurred. But it does mean that the Appellant had the resources available to meet the expense.

Again, as the Appellant actually received and paid for the furnace fuel, any imminent danger to the physical health of the Appellant was averted.

Accordingly, as the Appellant does not meet any of the legislated criteria to qualify for this crisis supplement, the panel confirms the Ministry's reconsideration decision.