

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (the "Ministry") February 20, 2013 reconsideration decision denying the Appellant's request for a crisis supplement to replace personal property (including books on health, a juicer, a wheat grass grinder and lectures on disc) because the Appellant did not meet all of the criteria for a crisis supplement in section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation, and specifically because he did not establish that failure to provide the supplement for these items would result in imminent danger to his physical health.

The Ministry was satisfied that the need to replace the items was unexpected and that the Appellant has no resources to replace the items.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 57(1).

PART E – Summary of Facts

The Ministry did not appear at the hearing. The Panel confirmed that the Ministry was notified of the hearing and then proceeded with the hearing pursuant to section 86(b) of the Employment and Assistance Regulation.

For its reconsideration decision, the Ministry had the following evidence:

1. Information from its records that the Appellant receives disability assistance.
2. Appellant's January 11, 2013 crisis supplement request to replace personal property because his trailer burned in April 2012, then it was bulldozed and he did not have a fixed address for months. The Appellant told the Ministry that he tried community resources to replace the items.
3. Appellant's January 16, 2013 crisis supplement request to replace personal property, including books on health, a juicer, a wheat grass grinder and lectures on disc.
4. Appellant's February 14, 2013 request for reconsideration in which he wrote that he did not ask for the supplement in April 2012. He stated that he does not understand why a crisis supplement is not for obtaining items. He wrote that he thinks this is unproductive and would rather go to a tribunal to solve this problem.

In his notice of appeal and at the hearing, the Appellant submitted arguments to support his appeal. These are set out in Part F of this decision.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably determined that the Appellant was not eligible for a crisis supplement to replace personal property because he did not meet all of the criteria in section 57(1) of the EAPWDR, and specifically that he did not establish that failure to obtain the items would result in imminent danger to his physical health.

Applicable Legislation

The following section of the EAPWDR applies to the Appellant's circumstances in this appeal:

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
(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.

The Parties' Positions

The Ministry was satisfied that the Appellant met the requirements in EAPWDR section 57(1)(a); that is, he had an unexpected loss and had no resources to replace the lost items. However, the Ministry was not satisfied that the Appellant met the requirements in section 57(1)(b)(i); that is, that the failure to obtain books on health, a juicer, a wheat grass grinder or lectures on disc would result in imminent danger to the Appellant's physical health.

The Appellant submitted that the Ministry should provide a remedy for him and a crisis supplement should be available so that someone in his circumstances can replace the items he lost. The Appellant argued that the Ministry agreed that there was a crisis, but it would not work with him to devise a remedy.

The Panel's Findings

The Ministry may provide a crisis supplement to the Appellant if all of the requirements in EAPWDR section 57(1) are met. In this case, there is no evidence, particularly from the Appellant, that the failure to obtain the items requested will result in imminent danger to his physical health, as required by section 57(1)(b)(i). Therefore, the Panel finds that the Ministry reasonably determined that the Appellant did not satisfy all of the requirements in section 57(1) of the EAPWDR and that he is not eligible for a crisis supplement to replace the books on health, a juicer, a wheat grass grinder and the lectures on disc.

After considering all the evidence and the applicable regulation, the Panel confirms the Ministry's reconsideration decision because it was reasonably supported by the evidence.