

PART C – Decision under Appeal

The decision under appeal is the Ministry's reconsideration decision dated December 28, 2012 which denied the Appellant a crisis supplement to purchase a new bed because the Ministry found that the Appellant's request does not meet the eligibility criteria of section 57 of Employment and Assistance for Persons with Disabilities Regulation (EAPDR) for a crisis supplement. While the ministry found that the appellant had no resources to purchase the bed on her own, it denied the crisis supplement as the evidence before it did not establish that the request was required to meet an unexpected expense or to obtain an item unexpectedly needed. Further, there was no information provided to establish that failure to meet the expense would result in imminent danger to the appellant's physical health.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPDR), Section 57.

PART E – Summary of Facts

The evidence before the ministry at the time of reconsideration included:

- October 1985 file opened on appellant as a single recipient.
- November 30, 2012 the appellant is advised that her request for a crisis supplement for a bed is denied.
- December 12, 2012 the appellant submits a Request for Reconsideration. The appellant reports her current bed that was 3 years old originally came from a discount store but unexpectedly broke down. The appellant included a letter from her Property Manager dated October 25, 2012 that states they do allow tenants to bring in used beds and that the appellant's bed is very worn and needs to be replaced. The appellant also included 2 separate notes from her doctor confirming that her bed is worn out and that she needs a new one as it sags and contributes to her pain. Also included were quotes for a new bed.

In her Notice of Appeal (NOA) dated February 6, 2013 the appellant reports that her bed was new when she got it 3 years ago and was not used. Further, "that the bed is a danger to my health as the calcium build-up can cause permanent damage."

At the hearing, the appellant stated that her bed was a pillow-top that had been bought new from a liquidation store. The condition of the bed has deteriorated to the point that it has big sag in the middle of it and sleeping puts pressure and calcium build-up in her shoulder. The appellant pointed out that because the bed was new she found the defectiveness of it 3 years later as unexpected and something she could not foresee. Over time she believes the calcium build up will cause major issues to her health and will likely require critical surgery. Responding to a question from the panel, the appellant clarified that a photo in the record was that of her current bed. The appellant acknowledged it was not that clear and had hoped the faxed version would have more clear.

The panel finds the oral testimony of the appellant as admissible under section 22(4) of the Employment and Assistance Act as being in support of the information that was before the ministry at the time of reconsideration.

At the hearing, the ministry overviewed the reconsideration decision and stood by the record.

PART F – Reasons for Panel Decision

At issue is the reasonableness of the ministry's decision to deny the appellant a crisis supplement for a bed on the basis that she failed to meet all of the legislative criteria. While the ministry determined that the appellant had no resources to budget the item, it denied the crisis supplement under Section 57 of the EAPWDR as the evidence before it did not establish that the request for a bed was an unexpected expense or was an unexpected item of need. It also found that failure to meet the expense would not result in imminent danger to the appellant's health

Section 57 of the EAPWDR states:

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*.

(2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.

(3) A crisis supplement may not be provided for the purpose of obtaining

(a) a supplement described in Schedule C, or

(b) any other health care goods or services.

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:

(a) if for food, the maximum amount that may be provided in a calendar month is \$20 for each person in the family unit;

(b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of

(i) the family unit's actual shelter cost, and

(ii) the maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit;

(c) if for clothing, the amount that may be provided must not exceed the smaller of

(i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and

(ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.

(5) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).

(6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of disability assistance or hardship assistance that may be provided for the month under Schedule A or Schedule D to a family unit that matches the family unit.

(7) Despite subsection (4) (b) or (5) or both, a crisis supplement may be provided to or for a family unit for the following:

(a) fuel for heating;

(b) fuel for cooking meals;

(c) water;

(d) hydro.

[am. B.C. Reg. 13/2003.]

The appellant argues she bought a new bed from a discount store three years ago which has become worn and defective. As a result, her need for a bed was unexpected and she needs a new one in order to sleep and maintain her health and that she has no resources to purchase one.

The ministry acknowledges that it would be unexpected that a bed would wear out after only three years, but also acknowledges that this happens over time. Because of this the need for a bed cannot be considered an unexpected expense or an item unexpectedly needed. The ministry also argues the medical information provided about the appellant's current bed and need for a new one does not establish that a failure to meet the expense would result in imminent danger to the appellant's health

There are three criterion within the legislation that must be met before the ministry may provide a crisis supplement.

The first criterion is that the supplement is required to meet an unexpected expense or to obtain an item unexpectedly needed. In the circumstances of the appellant the panel finds the appellant's oral testimony credible that she bought a new mattress which has now deteriorated in a relatively short space of time. The evidence from her doctor and landlord also support the bed's worn out state. Despite the poor photograph on the record the panel finds that there is sufficient other independent or

verifiable evidence to persuade it that the appellant's bed has deteriorated, in a short period of time, to an unacceptable state necessitating a replacement bed. The panel finds, therefore, that the ministry was not reasonable in its finding that the appellant's need for a bed was not an unexpected expense or not unexpectedly needed.

The second criterion is that there are no resources available to the appellant to meet the expense of a bed. The ministry found that the appellant met this criterion through information provided by her.

The third criterion is that failure to meet the expense or obtain the item will result in imminent danger to the physical health of the appellant. The panel finds there is no corroborating evidence, medical or otherwise, showing that at the time of the appellant's request for the crisis supplement a failure to provide the bed would result in imminent danger to her physical health. The appellant herself acknowledged that the need for the bed was one of preventing further calcium build up in her shoulders and the potential need for serious surgery. As a result, the panel finds that the ministry reasonably determined it has not been demonstrated that failure to purchase the bed will result in imminent danger to the appellant's health.

The panel finds that the ministry reasonably determined the appellant has not met all the legislative criteria for the provision of a crisis supplement. As a result the panel confirms the reconsideration decision as a reasonable application of the legislation and was reasonably supported by the evidence in the circumstances of the appellant.