

PART C – Decision under Appeal

The decision under appeal is the ministry's reconsideration decision dated February 25, 2013 which held that the appellant did not meet the statutory requirements of section 59(1) of the Employment and Assistance Regulation (EAR) to qualify for a crisis supplement to purchase a bed. 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 Regulation (EAR), section 59

PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation

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

- February 4, 2013 a Medical Report-Employability completed and signed by the appellant's chiropractor indicates the appellant has Lumbago-Sacroiliac Syndrome with an onset date of February 27, 2012. With respect to a prognosis the chiropractor indicates an expected duration of 18-24 months for this condition. The chiropractor also does not indicate whether this medical condition is episodic, but does indicate the frequency of episodes to have "began daily" and as to how frequently they are likely to recur indicates "monthly".
- February 5, 2013 the appellant is advised that she is not eligible for a crisis supplement for furniture.
- February 15, 2013 the appellant submits a Request for Reconsideration. The appellant as reported by the ministry is a single parent recipient with one dependent child. The appellant is waiting to get into subsidized housing and stays with her parents, renting and sharing one bedroom for herself and her child. The appellant indicates that her daughter has outgrown her playpen/bassinet and occupies the room with her crib. As a result, there is no room for her queen size bed and the appellant sleeps on a couch that causes her back problems. The appellant, therefore, seeks to downsize to a single sized bed.

In her Notice of Appeal (NOA) dated February 28, 2013 the appellant reports that because of a lack of sleep she is now sleeping on the floor. The lack of sleep is causing her depression, impatience with her daughter and headaches. The appellant also reports she needs sleep to function which is a health issue. The panel finds the written testimony of the appellant in her NOA 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.

Insofar as the appellant did not attend the hearing the panel relies on the record of the appellant's written testimony.

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 for the item, it denied the crisis supplement under Section 59 of the EAR 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 59 (1) of the EAR states:

Crisis supplement

59 (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.

(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, and

(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 income 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.

The appellant argues that her daughter outgrew her bassinette and required a crib and, as a result, her one bedroom space cannot fit her queen size bed. The appellant argues that she needs a new single bed that can fit in the room with her daughter and that she needs one in order to sleep because of her back problems.

The ministry argues that the need for a single bed cannot be considered an unexpected expense or an item unexpectedly needed as a bed is not an item unexpectedly required. Further, it is not unexpected that her daughter would outgrow her bassinette and require a crib and that space in her bedroom would have to be sacrificed as a result. The ministry also argues that the medical evidence provided about her medical condition does not provide sufficient evidence that failure to meet the expense would result in imminent danger to the appellant's health

There are three criteria 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. The panel finds that although the new single bed might make the appellant's living arrangements more comfortable the crib required for her growing daughter is not an unexpected need. Further, with this in mind, given the rental of a small one bedroom space for herself and daughter, being unable to fit her current queen size bed in this space would not have

been unexpected. The panel finds, therefore, that the ministry was reasonable in its finding that the appellant's need for a single bed was not an unexpected expense.

The second criterion is that there are no resources available to the appellant to meet the expense of a bed. The ministry conceded that the appellant met this criterion.

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 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 his physical health. The Medical Report by the appellant's chiropractor conveys no evidence to suggest an imminent danger or health risk to the appellant if the single bed is not purchased. 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 health.

The panel finds that the ministry reasonably determined that 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 in the circumstances of the appellant and as reasonably supported by the evidence