

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development( Ministry) reconsideration decision dated January 9, 2013 which found that the appellant was not eligible for a crisis supplement requested under section 59 (1) of the Employment and Assistance Regulation (EAR). The request was for clothing. The ministry found that his request did not meet one of the three criteria as set out in Section 59(1) of the EAR, namely that his request did not establish that he required the crisis supplement to meet an unexpected expense or obtain an item unexpectedly needed.

The ministry determined that the information provided established that the appellant had no resources to purchase the items on his own and that that failure to obtain the clothing would result in imminent danger to his physical health.

### PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) section 59

## PART E – Summary of Facts

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

- December 18, 2012 the appellant requested a crisis supplement for winter boots, sweaters, warm socks, gloves and toques is denied. The appellant reports that he has been looking for work and is having difficulty staying warm and has been getting sick. The appellant reports he has tried to save for clothes, but his rent, food costs and a \$20.00 security deposit repayment uses up his entire assistance cheque each month. The appellant also reports that has been to community thrift stores, but has not been able to meet his needs.
- December 27, 2012 in his request for reconsideration the appellant notes that last year he received a crisis supplement for clothing and made them last for one year. When he arrived at his current location he had no clothes and was in need of warm clothes. Also he needs clothes so that he can change them and look presentable when applying for work. He notes that this time he will do his best to make the clothes last and will not apply next year.

In his Notice of Appeal (NOA) received by the Employment and Assistance Appeal Tribunal on January 17, 2013 the appellant states that he disagrees with the ministry's reconsideration decision because he would not ask for clothing if he did not really need it. He further reports that he went to church for assistance, but is completely embarrassed by it.

At the hearing, the ministry outlined that the appellant receives \$235.00 for support and \$375.00 for a shelter allowance. The ministry also stated that at the end of November, 2012 the appellant received a Christmas bonus in the amount of \$35.00 and is likely eligible for an HST credit. The ministry further reports that the appellant is engaged in the ministry's ongoing Employment Program (EP) that started October 23, 2012 and the appellant is able to access further resources through this program to assist with such items as interview attire, boots, etc. It also clarified that the appellant received a crisis supplement for clothing approximately one year ago and the supplement is not intended as a yearly allowance. It also pointed out that the clothing requested by the appellant could have been anticipated and budgeted for accordingly by him in advance.

At the hearing, the appellant noted that he does follow the rules of his EP program in a diligent fashion so as to not endanger his eligibility for income assistance. The appellant reports that the clothes he did receive a year ago with the help of a crisis supplement had worn due to his need to wash them regularly and to look presentable. He also pointed out that he did receive the Christmas Bonus and used it for socks and underwear as well as \$50.00 recently from his EP that was used for razors, shampoo and a haircut. The appellant also reports he received a ball cap and socks from a church and will receive steel toed boots related to his EP. The appellant states he has a strong desire to get off income assistance, but has low esteem due to the fact that his clothes are not presentable. The appellant stated that he rents a place for \$475.00 per month which is the cheapest he could find. He has attempted rooming with others, but describes himself as a loner and under such circumstances has previously had his clothing stolen. He reports that what he has left to him each month after rent are insufficient funds to cover clothing after food and other expenses. He states he does not receive sufficient income assistance to live on and regularly checks with the EP Program for funds for clothes.

The panel admit the oral testimony of both parties pursuant to section 22(4) of the Employment and Assistance Act as it was additional information about financial resources and expenses, and therefore in support of the information and record before the ministry at reconsideration.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry reasonably determined that the appellant was ineligible for a crisis supplement for clothing. The appellant did not meet all of the three criteria for a crisis supplement as set out in section 59(1) of the EAR.

The ministry found that the appellant's request did not meet one of the three criteria as set out in Section 59(1)(a) of the EAR, namely that he did not establish that he required the crisis supplement to meet an unexpected expense or obtain an item unexpectedly needed.

The ministry determined that the information provided established that the appellant had no resources to purchase the items on his own and that the failure to obtain the clothing would result in imminent danger to his physical health.

The following section of the EAR applies to this appeal:

### **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*.

(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.

The appellant argues that his income assistance is insufficient and he requires a crisis supplement to support his need for more presentable clothes, something he has not obtained through other resources such as thrift stores, a church or through his EP. He argues that he cannot afford the items due to his high rent cost and that he needs them to increase his self-esteem, look presentable for his EP and search for work.

The ministry argues that the appellant does not meet the requirements of the legislative criteria because the need for clothes was not an unexpected expense or items unexpectedly needed.

The panel finds the appellant receives monthly income assistance for food, shelter and sundries. It finds that the need for clothing is something that can be foreseen and is an ongoing expense. The appellant by his own testimony acknowledges that through the continued washing of his clothes they have worn out since the time of his last crisis supplement for clothing one year ago. The panel further finds the issue of whether the appellant receives sufficient income resources is beyond the jurisdiction of the panel. The income assistance received by the appellant is mandated by legislation. The panel finds it is not unexpected that to need clothing and that the appellant, since his last crisis supplement, had sufficient time to anticipate his need. As such, the panel finds that the ministry reasonably concluded that the appellant is not eligible for a crisis supplement as he has failed to meet the requirements of the legislative criteria in section 59(1)(a) of the EAR.

In summary, the appellant has not met all the criteria as set out in section 59 of the EAR to qualify for a crisis supplement. The panel, therefore, confirms the ministry's decision as a reasonable application of the legislation that is reasonably supported by the evidence in the circumstances of the appellant.