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PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (the "Ministry") reconsideration decision dated April 25, 2013 which determined that the appellant is not eligible for a crisis supplement for a bed and that he did not meet the legislated criteria of section 57 of the Employment and Assistance for Person with Disabilities Regulation (EAPWDR).

PART D – Relevant Legislation

Employment and Assistance for Person with Disabilities Regulation (EAPWDR) Section 57

PART E – Summary of Facts

The Ministry did not attend the appeal hearing. After confirming that the Ministry had been notified, the hearing proceeded in accordance with section 86 (b) of the Employment and Assistance Regulations.

Evidence

The evidence before the Ministry at the time of the reconsideration decision included the following:

- April 16, 2013 Employment and Assistance Request for Reconsideration Form, section 3; the appellant writes that he was denied a bed required for living in an unfurnished apartment. He could not save enough money to buy one on his own, because his rent was \$600.00, he needs groceries, and his monthly assistance amount is only \$880.
- April 11, 2013 Crisis Grant Request Form and Attachment stating the following:
 - the appellant is requesting a crisis supplement for dishes, pots, pans, cups, bedding/bed, knives, forks, spoons, cutlery;
 - these are unexpected expenses because after living to a hotel for 6 months in this new location a basement suite has become available to him, and he can't afford the required household items;
 - he has unsuccessfully turned for help from to the Salvation Army, the Hospital Auxiliary, second hand stores and the thrift shop; and
 - attached to the form was a hand written page of estimates for a mattress box spring sets: \$199-799 at the Brick; \$300 at West Coast Furniture and \$169 and \$189 at Walmart.
- April 25 2013 Employment and Assistance Reconsideration Decision, background section, in which the Ministry outlines information from the files as follows:
 - the appellant is currently receiving disability assistance as a sole recipient with his file reopened in April 2009;
 - on May 9, 2013 the Minister received his Shelter Information form indicating he was moving for May, 1 2013;
 - on April 12, 2013 the appellant advised the Ministry that he had been living in a fully furnished accommodation since October 2012;
 - on April 15 2013 the appellant's request was denied; and
 - on April 16 2013 the appellant submitted his signed Request for Reconsideration and he stated that he could not save enough money to buy a bed because his rent was \$600 and he was only receiving \$880.

Additional Evidence

In the Notice of Appeal dated May 6, 2013 the appellant states the following:

- that the Ministry knew that his rent at the motel was \$600 per month;
- he had only a microwave and so his food costs were high as he had to use prepared foods;
- he could not save for a bed and he only has a thin foam;
- he has bad arthritis in his left hip because of an accident, and sleeping on the floor has made his hip much worse so that he hurts all day and can hardly walk.

At the hearing, the appellant provided additional evidence that was consistent with the other evidence as follows:

- the hotel had no kitchen facilities except a microwave and the appellant needed to be able to eat better and provide food for his daughter so he needed to move to accommodation with a kitchen;
- the appellant was not advised of the legislative criteria and was not asked about the state of his health by the Ministry;



- the appellant believes the expense of a bed is unexpected because he had unexpectedly found accommodation that was within his price range and met his needs in a community with high rent and few rental accommodations; and
- the imminent danger to his health is the worsening of his hip condition which makes it difficult to even walk, and which is exacerbated by sleeping on the floor.

The panel determined that the additional verbal evidence was admissible under section 22 (4) of the Employment and Assistance Act (EAA) as it is in support of the information that was before the Ministry at the time of its reconsideration decision.

PART F – Reasons for Panel Decision

Issue to be Decided

The issue under appeal is whether the Ministry's reconsideration decision which determined that the appellant is not eligible for a crisis supplement for a bed and that he did not meet the legislated criteria of section 57 of the EAPWDR is reasonably supported by the evidence or whether it is reasonable application of the applicable enactment in the circumstances of the appellant.

Legislation

The applicable legislation is as follows:

EAPWDR Section 57:

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.

The Ministry argues that the appellant is not eligible for a crisis supplement for a bed because under section 57 (1) EAPWDR as crisis supplement may only be provided if all three of the following criteria are met:

1. the need for the item is unexpected or if there is an unexpected expense; and
2. there are not alternate sources of resources available; and
3. failure to obtain the item or meet the expense will result in imminent danger to physical health or the removal off a child under the Child, family and Community Service Act.

The Ministry opinion is that the need for a bed is not unexpected and while the appellant has been living in a furnished accommodation it is not unexpected that he would need furniture when he decided to move to an unfurnished residence. The Ministry is satisfied that the appellant does not have alternate resources available. The Ministry acknowledges that the failure to obtain a bed would result in discomfort but there is no evidence that failure to obtain a bed will result in imminent danger to the appellant's health. As the crisis supplement criteria have not all been met, the Ministry is unable to approve the appellant's request.

The appellant argues that he needs a crisis supplement for dishes, pots, pans, cups, bedding, knives, forks, spoons, cutlery, and a bed. He was in treatment for 4 years, and then moved to a new location where he lived in a furnished hotel for six months, and has now found an unfurnished basement suite; he cannot afford the purchases himself because his rent is 600.00 while his monthly assistance is only 880.00. He outlined that he had also gone to the Salvation Army, the Hospital Auxiliary, second hand stores and the thrift shop; he provided several estimates for mattress and box spring sets.

At the hearing, the appellant argued that he needed to move from the hotel as there were no kitchen facilities except a microwave and the appellant needed to be able to provide food for his daughter; that he was not advised of the legislative criteria and was not asked about the state of his health by the Ministry; that the expense of a bed is unexpected because he had unexpectedly found accommodation that was within his price range and met his needs; and that the imminent danger to his health is the worsening of his hip condition from sleeping on the floor.

Panel Findings

The panel finds that the appellant did not demonstrate or provide the required evidence to the Ministry that he met all of the criteria for a crisis supplement as per EAPWDR section 57 (1). Specifically, while the appellant is unable to meet the expense as not enough resources are available to him, there was insufficient evidence that it was an unexpected expense or unexpectedly needed because he knew he was moving from a furnished accommodation to an unfurnished accommodation as per section EPWDR section 57 (1) (a).

Further, the panel finds that there is insufficient evidence to establish an imminent danger to his health from the worsening of his hip condition and that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit as per EAPWDR section 57 (1) (b).

Panel Decision

The panel finds the Ministry was reasonable in its determination that the appellant was not eligible for a crisis supplement for a bed because he failed to meet all the requirements of the EAPWDR Section 57. Therefore the panel confirms the Ministry reconsideration decision.