

PART C – Decision under Appeal

The decision under appeal is the Ministry's Reconsideration Decision dated May 2, 2013 which denied the Appellant's request for a crisis supplement to purchase clothing due to a bedbug infestation. The Ministry held that the statutory requirements of section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) were not met by the Appellant as there was insufficient evidence to establish the following:

- (a) That the crisis supplement was required by the Appellant to meet an unexpected expense or obtain an item unexpectedly needed;
- (b) That the Appellant had had no resources available to her to meet the expense or obtain the item on her own; and
- (c) That failure to meet the expense or obtain the item would result in imminent danger to the Appellant's physical health.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57

PART E – Summary of Facts

The evidence before the Ministry at the time of the Reconsideration Decision consisted of the Appellant's Request for Reconsideration dated April 18, 2013.

No new evidence was submitted by the Appellant or the Ministry. The Ministry relied on the Reconsideration Decision.

The Appellant has been in continuous receipt of disability assistance since May 2006. On February 25, 2013, the appellant requested a crisis supplement from the Ministry for clothing as both the Appellant and her husband's clothing had been reported as stolen. Two support cheques of \$100 each were released early to the Appellant and her husband to purchase clothing after a discussion between the Ministry and the Appellant regarding her need to budget her money for the balance of March.

On April 5, 2013, the Appellant made another request for a crisis supplement for clothing because of a bedbug infestation. That request was denied and the Appellant sought a reconsideration of that decision.

In the Appellant's Request for Reconsideration, she states that her car had broken down and had to be towed. The following week, she needed to retrieve her clothing and belongings. The two \$100.00 cheques that were released by the Ministry to her were used to cover traveling expenses and when the Appellant found her belongings, the Appellant and her husband's clothing and other personal items were broken. The Appellant states that in February her clothing was in two suitcases which were rained and snowed on causing the clothing to become wet, frozen and then thawed in the span of 1 ½ weeks.

The Appellant completed a Notice of Appeal dated May 8, 2013 and attached to that one page of submissions set out on one page of a separate Request for Reconsideration which was also dated May 8, 2013. The Appellant submits that she did not state that her clothes were stolen but rather her clothing were damaged insofar as they were moldy and discolored and they were all thrown away. The Appellant goes on to state that she attended a Salvation Army where she was given a \$20.00 voucher and she also comments that "The bed bugs I paid for myself because I couldn't get ahold of the original paperwork." The Appellant states that she cannot afford clothing and that the \$200.00 that was released by the Ministry was used for travel to retrieve her belongings.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the Ministry's Reconsideration Decision dated May 2, 2013 which denied the Appellant's request for a crisis supplement to purchase clothing due to a bedbug infestation. The Ministry held that the statutory requirements of section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) were not met by the Appellant as there was insufficient evidence to establish the following:

- (a) That the crisis supplement was required by the Appellant to meet an unexpected expense or obtain an item unexpectedly needed;
- (b) That the Appellant had had no resources available to her to meet the expense or obtain the item on her own; and
- (c) That failure to meet the expense or obtain the item would result in imminent danger to the Appellant's physical health.

The relevant legislation is section 57(1) of the *EAPWDR* which provides as follows:

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.]

Section 57(1) of the *EAPWDR* sets out the three criteria that an Appellant must meet before he or she can be provided a crisis supplement. The Appellant must require the crisis supplement to meet an unexpected expense or to obtain an item unexpectedly needed, there must be no resources available to an Appellant to meet the expense or obtain the item and failure to meet the expense or obtain the item will result in imminent danger to the physical health of the Appellant.

Was there an unexpected expense or item unexpectedly needed to be met by the Appellant?

In the present case, the Ministry takes the position that clothing itself is not an unexpected expense or item unexpectedly needed. The Appellant argues that her clothes were damaged and thrown out although it is not clear if this relates to the clothing that was reported as stolen in February 2013 or the clothing that was reportedly infested by bedbugs which is at issue in this appeal. The Appellant requested a crisis supplement on April 5, 2013 for clothing due to a bedbug infestation. However, there is no evidence to corroborate or support that claim or to demonstrate why her clothing had to be replaced as opposed to being treated or cleaned in some manner. In the absence of evidence to support the Appellant's argument, the Panel is unable to make a finding that the crisis supplement is required to meet an unexpected expense or to obtain an item unexpectedly needed. The Panel finds that the Ministry reasonably determined that the Appellant's need for clothing was not an unexpected expense or an item unexpectedly needed.

Are there no resources available to the Appellant to meet the expense or to obtain the item?

The Ministry takes the position that the Appellant has not led evidence to establish that she has no resources to obtain clothing on her own while the Appellant argues that she can't afford clothing. The Appellant is in continuous receipt of disability assistance which the Ministry argues is intended to provide her with funds to meet her basic needs including clothing. The Ministry states that a discussion took place between the Appellant and the Ministry in February 2013 at which time the Appellant was reminded about budgeting her assistance cheques. The Panel finds that there is insufficient evidence to establish that the Appellant has no resources available to purchase clothing and therefore, the Panel finds that the Ministry reasonably determined that the Appellant had resources available to purchase clothing.

Will failure to meet the expense or obtain the item result in imminent danger to the physical health of the Appellant?

The Ministry takes the position that no evidence has been led to establish that failure to obtain clothing will result in imminent danger to the Appellant's physical health. The Appellant has not raised an argument in respect of this issue in the Notice of Appeal other than to refer to clothing that was thrown out due to being moldy and discolored. It is not clear if this is in reference to the clothing reported as stolen in February 2013 or the clothing reportedly infested by bedbugs which is at issue in this appeal. The Panel finds that there is insufficient evidence to support a finding that failure to obtain clothing will result in imminent danger to the physical health of the Appellant and the Panel finds therefore that the Ministry reasonably determined that failure to obtain clothing will not result in imminent danger to the Appellant's physical health.

As the Appellant has not satisfied each of the statutory requirements of s.57(1) the EAPWDR, the Panel finds that the Ministry's Reconsideration Decision was reasonably supported by the evidence and confirms the decision.