



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (ministry's) reconsideration decision dated May 14, 2013 which held that the appellant is not eligible for a crisis supplement for clothing pursuant to section 4 of the *Employment and Assistance Act (EAA)* and section 59 of the *Employment and Assistance Regulation (EAR)*. The ministry determined that the appellant's request for the crisis supplement does not meet all three criteria of section 59 of the EAR as the appellant did not provide information to establish that:

- 1- she does not have any resources available to obtain clothing, and;
- 2- failure to obtain clothing will result in imminent danger to her physical health.

PART D – Relevant Legislation

*Employment and Assistance Act – EAA - section 4*  
*Employment and Assistance Regulation – EAR – section 59*

## PART E – Summary of Facts

The evidence before the ministry at reconsideration was

- Ministry's decision to deny the crisis supplement, dated May 1, 2013;
- Request for reconsideration signed by the appellant on May 2, 2013; and
- Letter from nurse practitioner dated May 3, 2013 confirming that the appellant has had substantial weight loss, and requires new clothing.

In its decision to deny the crisis supplement dated May 1, 2013, the ministry explains that the appellant requested a crisis supplement to purchase new clothing due to significant weight loss. The ministry asked for medical confirmation of this sudden and dramatic weight loss and the appellant stated she had not seen a doctor and could not provide medical confirmation. The ministry denied the appellant's request for the supplement stating that the appellant was unable to demonstrate the unexpected expense/ unexpected need criteria as required by the legislation.

In her request for reconsideration dated May 2, 2013 the appellant did not state reasons for her request for a crisis supplement for clothing. A letter from a nurse practitioner dated May 3, 2013 confirmed that the appellant has had substantial weight loss of 25 pounds in 2 months, and for this reason requires new clothing.

New evidence submitted prior to the hearing is the appellant's Notice of Appeal dated May 31, 2013 in which she states that she requires new pants and shoes because her old ones do not physically stay on her body. She states that she is unable to walk because her disability requires her to have proper footwear, and her back problems increase substantially without it. She further states that she tried to get help from other places but was unable to, and that she cannot pay for new clothing because she has to keep her stuff in storage while her mom is hospitalized. The storage cost is expensive.

The ministry was asked whether they had any objections to the appellant's new evidence. The ministry did not object and the panel admits the appellant's statement on her Notice of Appeal as written submissions in support of information that was before the ministry at the time of the reconsideration decision under section 22(4)(b) of the EAA.

The appellant did not attend the hearing. After establishing that the appellant had been notified of the hearing, and waiting for 15 minutes, the hearing proceeded under section 86(b) of the EAR.

At the hearing, the ministry summarized its reconsideration decision, stating that the appellant originally applied for a crisis supplement for clothing in April 2013 but was denied because she had received a crisis supplement in May 2012 and would not be eligible again until May 2013. The appellant re-applied for the crisis supplement on May 1, 2013 stating that she had lost a lot of weight and required clothing. The ministry asked her to supply medical information regarding the weight loss and the appellant stated that she had not visited a doctor.

The ministry denied the request for the crisis supplement, and on May 1<sup>st</sup> released a \$50 "administrative cheque" to the appellant as an advance on her monthly assistance payment in order

to provide her with resources for clothing. The appellant accepted the cheque, filed her request for reconsideration, and on May 3<sup>rd</sup> she submitted a letter from a nurse practitioner at a local hospital that stated the appellant had lost 25 pounds in 2 months and required new clothing.

At the hearing the ministry explained that once they received the letter from the nurse practitioner they accepted the appellant's weight loss as an unexpected need for clothing, but the letter from the nurse practitioner did not indicate any imminent danger to the appellant's physical health if a clothing supplement was not granted. The ministry therefore found that the appellant did not meet the legislative criteria for imminent danger. The ministry was also not satisfied that the appellant lacked resources to purchase clothing as required by the legislation as she had been issued the \$50 cheque on May 1<sup>st</sup>. The ministry further found that the appellant did not demonstrate that she had tried to get clothing from community resources.

The panel makes the following findings of fact:

- The appellant experienced significant, sudden weight loss and her clothing no longer fit her;
- The appellant received a \$50 advance on her monthly assistance payment on the date that she was denied the crisis supplement for clothing.

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## PART F – Reasons for Panel Decision

The issue to be decided is the reasonableness of the ministry's reconsideration decision dated May 14, 2013, which held that the appellant is not eligible for a crisis supplement to purchase clothing pursuant to section 4 of the *EAA* and section 59 of the *EAR*. The ministry determined that the appellant's request did not meet the criteria for an unexpected need and a lack of resources to meet the need as required by section 59(1)(a): the appellant did not identify what kind of clothing she required, or establish that there are no community resources available to meet the need or help offset the costs. The ministry also found that section 59(1)(b)(i) was not met because the appellant's evidence did not establish that failing to provide her with money for clothing would result in imminent danger to her physical health.

The legislation provides:

### ***EAA* Income assistance and supplements:**

Section 4 states that *subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.*

### ***EAR* Crisis supplement:**

Pursuant to section 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.

The ministry argues that the appellant does not meet the criteria for the crisis supplement under section 59(1)(a) of the EAR that requires the need for the crisis supplement to be unexpected and for the client to have no available resources to meet the need. The ministry found that while the appellant faced an unexpected need for clothing due to sudden, significant weight loss, the appellant did not demonstrate that she lacked resources as the ministry had released a \$50 cheque to her in the month that she made the request for a crisis supplement. The ministry was also not satisfied that there were no community resources available to assist the appellant with her clothing needs.

In her notice of appeal, the appellant argues that she tried to get help from other places but was not able to do so, and that she cannot pay for new clothing because she has to keep her stuff in storage while her mom is hospitalized and the storage is expensive.

The panel finds that the ministry reasonably determined that the criteria under section 59(1)(a) of the EAR are not met. The panel notes that the ministry found that the appellant had an unexpected need for clothing due to sudden, significant weight loss. However, the panel finds that the appellant did not demonstrate a lack of resources because although she has expenses for storing her belongings, she received \$50 from the ministry and did not provide any detail regarding which community resources she had attempted to access help from.

The ministry argues that the appellant does not meet the criteria for the crisis supplement under section 59(1)(b)(i) of the EAR that requires that imminent danger to the client's physical health would result if the client cannot obtain the requested item. The ministry found that the appellant provided no evidence of imminent danger to her physical health if she did not obtain the crisis supplement.

The panel finds that the ministry reasonably determined that there was no evidence of imminent danger to the client's physical health as required by section 59(1)(b)(ii) of the EAR. The letter from the nurse practitioner stated that the appellant had lost 25 pounds in 2 months but did not state that the failure to provide the clothing items put the appellant's health in danger.

Thus, the panel finds that all three criteria for the crisis supplement for clothing as set out in sections 59(1)(a) and 59(1)(b)(i) of the EAR are not met. Accordingly, the panel finds that the ministry's decision denying the appellant's request for a crisis supplement for clothing was reasonably supported by the evidence. The panel confirms the ministry's reconsideration decision.