

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (“Ministry”) reconsideration decision dated March 1, 2013, which found the appellant was ineligible to receive a crisis supplement for food because the information provided to the Ministry did not establish under Section 4 of the Employment and Assistance Act (EAA) and Section 59 of the Employment and Assistance Regulation (EAR) :

- The Appellant required the crisis supplement to meet an unexpected expense,
- The Appellant required the crisis supplement to obtain an item unexpectedly needed,
- The Appellant had utilized all resources available to him; and,
- That failure to provide the crisis supplement would result in imminent danger to the physical health of anyone in the family unit or, the removal of a child from the [Appellant’s] home under the Child, Family and Community Service Act.

### 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 the time of the reconsideration decision consisted of copies of the following:

1. The Appellant's Request for Reconsideration dated February 15, 2013.

### **New evidence:**

Neither the Appellant nor the Ministry added new evidence to the hearing.

### **The Appellant's submission included the following:**

- He is currently receiving Income Assistance and EI Medical; however, the EI Medical he received in February was deducted from his Income Assistance leaving him with twelve dollars in his bank account at the time.
- He has no family members living close to him that he might ask for help.
- In February, when he requested a crisis supplement for food, he also had his daughter staying with him.
- His daughter stays with him on a part time basis, which includes weekends and school breaks.
- While staying with him in February, his daughter became ill and he took her to the walk in clinic.
- At that time, she required non prescription cough medicine to help relieve her symptoms.
- The Appellant was so low on cash that he had to choose between purchasing cough medicine for his daughter and ensuring there was food on hand to feed her. The Appellant chose to purchase cough medicine and asked the Ministry for a crisis supplement for food.
- The Ministry then denied the crisis supplement when he felt he was in a crisis; that being his having to choose between medicine for his daughter and food.
- He states he does not understand how asking for \$20 under those circumstances is not acceptable.
- He states he has accessed some community resources the Ministry has suggested.
- He has accessed community and church resources in the past, as well as the food bank, but it is only available to him every two months and he did not qualify again until March 1, 2013.
- At the time his daughter was sick, he did not think it was appropriate to take her outside to eat a free meal at a local community resource.
- He agrees that he had received crisis supplements for food in November, December 2012 and January 2013.
- He states that while he is medically not able to work, he is doing the best he can, but his rent costs him \$500 a month and with his having had his EI medical deducted from and subsequently cutting his IA cheque to half, he felt he was in a crisis situation.
- He feels that the original decision from the Ministry was not communicated well or appropriately.
- He added that although his request for a crisis supplement in February was denied, he received an unrequested supplement of \$20 in March.
- He states that he receives no portion of the Child Tax Benefit from his daughter's mother.

**The Ministry's submission included the following:**

- The Ministry states the Appellant has received IA since July 2012.
- The Ministry states that in February and March 2013 the Appellant was receiving Unit 2 benefits, which meant that he was receiving additional funds for shelter and support to adjust for the additional expense of his daughter staying with him on a regular part-time basis.
- The Ministry states the Appellant appears to be relying on crisis supplements to augment his budget and it has discussed crisis supplement legislation and budgeting with the Appellant.
- The Appellant should have the benefit of sharing the monthly Child Benefits his ex spouse receives for his daughter.
- The Ministry states it has reviewed what local community resources are available for the Appellant to use in his community.
- In assessing the Appellant's request for a crisis food supplement in February, the Ministry states the Appellant had not provided information to establish he required a crisis supplement for food to meet an unexpected expense or to obtain an item unexpectedly.

## PART F – Reasons for Panel Decision

The issue to be decided at appeal is whether the Ministry reasonably concluded that the appellant was not eligible for a crisis supplement for food based on Section 4 of the EAA and Section 59 of the EAR.

### The legislation provides:

In Section 4 of the EAA:

#### Income assistance and supplements

- 4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

In Section 59 of the EAR:

#### 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;

(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.

[am. B.C. Reg. 12/2003.]

**The Appellant argues:**

- That the Ministry should assess his situation at the time he requested the crisis supplement, rather than looking at previous requests for crisis supplements.
- That he has not come close to surpassing the maximum allowable dollar amount for supplements.

**The Ministry argues:**

- That the Ministry did consider the current situation of the Appellant at the time of the Appellant's request for a crisis food supplement in February. At the time, the information provided to the Ministry did not establish that a failure to provide food would result in imminent danger to the Appellant's physical health; or, the removal of the child from his home under the Child, Family and Community Service Act; nor, was there evidence to support that it was a

crisis situation.

- That the Appellant receives assistance for shelter and support, at Unit 2 benefits for having his daughter with him part time.
- That the Appellant has access to community resources and must learn to live within the means available to him.
- The Ministry's position is that food is not considered to be an 'unexpected' item of need.
- The Ministry acknowledges the Appellant's expenses exceed his available income; however, the situation did not create an unexpected expense.

**The Panel finds:**

- The Ministry agrees the Appellant has met the requirements in Section 4 of the EAA and he is eligible to be on Income Assistance.
- The Appellant had received three food crisis supplements three months preceding his request for same in February.
- The Appellant is financially stretched and is trying to make use of the community supports the Ministry has introduced to him to; therefore, the Ministry is unreasonable in their finding that the Appellant is not making use of community resources.
- The Appellant did not provide information to the Ministry to establish that he requested a crisis supplement for food to meet an unexpected expense or obtain an item unexpectedly needed per Section 59 of the EAR.
- That food is not an unexpected expense and the Appellant did not provide information to the Ministry establishing that the failure to obtain food would result in imminent danger to his physical health or in the removal of a child from his home under the Child, Family and Community Service Act per Section 59 of the EAR.

Therefore, the Panel finds the Ministry's determination to deny the Appellant a crisis supplement for food was a reasonable application of the applicable enactment in the circumstances of the Appellant and confirms the Reconsideration Decision dated March 1, 2013.