

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development (Minister) reconsideration decision dated February 27, 2013 which held that the Appellant, did not meet the criteria to be eligible for a crisis supplement as set out in Section 59(1) of the Employment and Assistance Regulation (EAR) because:

- a) the need for the bed was not an unexpected need, and
- b) the Ministry was not satisfied that community resources are not available meet the need or to offset the costs, and
- c) the Ministry has determined that there is no evidence that the failure to purchase a bed would result in imminent danger to the Appellant's physical health.

PART D – RELEVANT LEGISLATION

Employment and Assistance Regulation, Sections 59(1)

PART E – SUMMARY OF FACTS

The evidence before the Ministry at the time of the reconsideration decision consisted of:

1. The Appellant is a single employable recipient of income assistance since March 2012
2. Appellant's statement that his bed was old and the springs were sticking out of it and he threw it away and thought that the Ministry would replace it.
3. A note from the Appellant's doctor received by the Minister on February 15, 2013 stating that the Appellant is having back spasm due to sleeping on a recliner and to please accommodate him to get a new bed.
4. A statement from the Appellant that his back is getting worse every day and he has to take medication so that he is able to go out and do things.

In the Request for Reconsideration, the Appellant states that his back is getting worse every day that goes by. It is getting so bad that he has to take medication just to go out and do things. He advises that he has provided a doctor's note and if his back gets worse he will need rehab soon. The Ministry notes that the Appellant has been denied a crisis supplement for furniture to purchase a bed. On February 6, 2013 he submitted quotes to the Ministry and stated that his old bed was worn out so he threw it away. The Ministry notes that the Appellant was advised that a crises supplement is issued to meet an unexpected need and that the Appellant knew for some time that his bed was getting old and should have been saving for a bed. The Ministry states that there is nothing unexpected about a bed getting old and the Appellant threw his away before he could replace it.

In the Notice of Appeal the Appellant states that he is barely sleeping at night, his back is getting worse and it's affecting his life in many ways, is always in pain and he only survives on \$90 a month and can't afford a bed.

ATTACH EXTRA PAGES IF NECESSARY

PART F – REASONS FOR PANEL DECISION

The issue to be decided is, as a single employable recipient of income assistance since March 2012, "did the Ministry reasonably conclude that the Appellant did not meet the criteria to be eligible for a crisis supplement as set out in Section 59(1) of the Employment and Assistance Regulation (EAR)".

Relevant Legislation:
EAR section 59(1)

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*.

The Ministry's position is that the Appellant does not qualify for a crisis supplement because he has not meet the criteria set out in Section 59(1) of the EAR, specifically

- (a) the Appellant does not meet the requirement of S 59(1)(a) because the expense for a bed is not unexpected, and
- (b) the Appellant has received income assistance benefits as a single employable recipient since March 2012, so he had the resources available to save for the purchase a bed, and
- (c) the Minister has determined that the Appellant does not meet the requirement of S.59(1)(b) as there is not sufficient evidence to determine that the failure to purchase a bed will result in imminent danger to the physical health of the Appellant.

The Appellant's position is that he is barely sleeping at night and he back is getting worse and it's affecting his life in many ways. He further states that he only survives on \$90 a month and can't afford a bed.

The panel finds that Section 59(1) of the EAR clearly sets out the criteria to be met to be eligible for a crisis supplement, specifically:

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

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imminent danger to the physical health of any person in the family unit.

The panel finds that the requirement to purchase a replacement bed for one that was worn out does not constitute an unexpected expense; the Appellant has received benefits since March 2012 and by managing his resources he could have accumulated the funds required to purchase a bed; and based on the evidence provided, the panel could not conclude that the failure to purchase a bed will result in imminent danger to the physical health of the Appellant. Therefore, the panel finds that the Appellant does not meet the criteria to be eligible for a crisis supplement.

The Panel finds that the Ministry's reconsideration decision is reasonably supported by the evidence and confirms the decision.