

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (the “Ministry”) March 7, 2013 reconsideration decision denying the Appellant, who has Persons with Disabilities designation, a crisis supplement for clothing because the Ministry determined that:

- The information does not establish that the crisis supplement is needed to meet an unexpected expense or to obtain an item unexpectedly needed;
- The appellant has resources available to meet this expense; and,
- The information does not establish that failure to obtain the clothing will result in imminent danger to the Appellant’s physical health, as required by section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”) Section 57.

PART E – Summary of Facts

For its reconsideration decision the Ministry had the following evidence:

- Appellant's February 25, 2013 request for a crisis supplement for clothing because he had bed bugs in his residence and needed more clothing.
- The Appellant indicated he received a clothing voucher from a community group and was able to get shirts and trousers.
- The Appellant's March 2013 assistance check was released five days before his request.
- Appellant's request for reconsideration in which he wrote that he doesn't spend his money on drugs or alcohol. He has to spend all his extra money on fighting bed bugs. He received a clothing voucher and he gained weight because of medications.
- HealthLinkBC information sheet about bed bug prevention and elimination, including how to treat bed bugs in clothing.

In his notice of appeal, the Appellant wrote that his clothes were unexpectedly damaged in a move. He also had an unexpected weight gain from 290-310 lbs. due to medication and his clothes no longer fit. He had to buy spray treatment for bed bugs, an unexpected expense, so he had no money left for clothes.

The Ministry relied on its reconsideration decision.

The Panel makes the following findings of fact:

1. The Appellant receives disability assistance.
2. He received an assistance check about 5 days before his supplement request.
3. He received a voucher for clothing from a community group.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably determined that the Appellant was not eligible for a crisis supplement because the information does not establish that the supplement is needed for an unexpected expense or to obtain an item unexpectedly needed, the Appellant has resources available for this expense and the information does not establish that failure to obtain the clothing will result in imminent danger to the Appellant's physical health, as required by section 57(1) of the EAPWDR.

Section 57(1) of the EAPWDR provides that:

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.

The Parties Positions

The Appellant's position is that his clothes were unexpectedly damaged because of bed bugs. He submitted that he had to buy bug spray treatment, an unexpected expense, so he had no money left for clothes. Also, he had an unexpected weight gain due to medication, so his clothes no longer fit.

The Ministry's position is that the information does not establish that the Appellant had an unexpected expense or an unexpected need for clothing because there is a way to treat bed bugs in clothing without destroying them. The Appellant provided no information about his weight gain. Also, the Appellant's monthly support allowance is for expenses such as clothing, therefore he has resources available to meet his need. In addition, the Appellant provided no information that the failure to provide the crisis supplement for clothing will result in imminent danger to his physical health.

The Panel's Decision

The Panel finds that the Appellant provided no information about whether he disposed of all his clothing or how much the bed bug treatment cost. Also, although he indicated a 20 lb. weight gain, he provided no other information, such as over what period the gain occurred. Therefore, the Panel finds that the Ministry reasonably determined that, based on the evidence provided, the Appellant did not establish that he had an unexpected expense or an unexpected need for the crisis supplement.

The Panel notes that the Appellant received his assistance check about 5 days before his request for the supplement, but he provided no details about his expenses. He also received a voucher for clothing. Therefore, the Panel finds that the Ministry reasonably determined that the Appellant did not establish that he has no resources available for clothing. The Panel also finds that the Appellant provided no information that the failure to obtain the supplement for clothing will result in imminent danger to his physical health. Therefore, the Ministry reasonably determined that the Appellant did not meet the requirements in section 57(1)(a) and (b)(i) of the EAPWDR.

Having reviewed all of the evidence and the applicable legislation, the Panel finds that the Ministry's reconsideration decision was reasonably supported by the evidence and therefore it confirms that decision.