

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry) reconsideration decision dated June 24, 2013, which held that the appellant is not eligible for a crisis supplement to purchase clothing pursuant to Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (*EAPWDR*). The ministry determined that the appellant does not meet the criteria of the legislation as she has not provided information to establish that:

- 1 The appellant requires a crisis supplement to meet an unexpected expense or unexpected need;
- 2 The appellant does not have any resources available to her to obtain clothing;
- 3 Failure to obtain clothing will result in imminent danger to her physical health.

## PART D – Relevant Legislation

*Employment and Assistance for Persons with Disabilities Regulation – EAPWDR – Section 57(1)*

## PART E – Summary of Facts

The evidence before the ministry at reconsideration included:

- Request for reconsideration signed by the appellant on May 27, 2013.

In the request for reconsideration the appellant requested a ten day extension due to the death of a family member.

The appellant signed the Notice of Appeal on July 2, 2013.

The appellant did not attend the hearing. After establishing that the appellant had been notified of the hearing, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation (EAR).

The panel notes that the appellant has not provided any written submission regarding her request for appeal. The ministry told the panel that in the interest of the administrative fairness, he is submitting a document, a letter dated June 4, 2013 from community services that was not included in the package.

The panel reviewed the document and accepted the letter from the community services dated June 4, 2013 as being in support of the information before the ministry under Section 22(4) of the Employment and Assistance Act (EAA). The panel finds that the June 4<sup>th</sup> letter is additional information respecting to the appellant's self-reported weight loss and therefore admitted the document into evidence.

The panel notes that in this document, a registered dietitian from \_\_\_\_\_ Agency responding to the questions of the community services stated that the degree of the weight loss in the appellant's case is unusual and that the appellant has lost 4.61 Kg from January 25, to June 5, 2013.

The ministry told the panel that the need for clothing cannot be considered unexpected and that the appellant has been in treatment for the last 3 years. Furthermore, the ministry said that the appellant could choose to manage her income and prioritize her needs to purchase clothing. Monthly support allowance is intended for ongoing expenses such as clothing. The ministry submitted that the appellant has not provided information to establish that failure to obtain summer clothing will result in imminent danger to her health. Accordingly, the ministry denied the appellant's request for clothing as the crisis supplement criteria have not all been met.

**PART F – Reasons for Panel Decision**

The issue before the panel is the reasonableness of the ministry's reconsideration decision dated June 24, 2013, which held that the appellant is not eligible for a crisis supplement to purchase clothing pursuant to Section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry determined that the appellant's needs were not unexpected. The ministry further determined that the appellant has not provided information to establish that failure to obtain clothing will result in imminent danger to her physical health, and there is no indication that the appellant has explored or exhausted other resources in the community.

**EAPWDR***Pursuant to Section 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, 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's position is that the appellant's request does not meet the criteria for a crisis supplement as set out in the legislation. The ministry stated the appellant's need for clothing cannot be considered unexpected and that the appellant has not explored alternate resources to purchase or receive clothing and she has been receiving monthly support. The ministry further stated that there is no evidence that failure to obtain clothing will result in imminent danger to the appellant's physical health.

The legislation requires that the need for the crisis supplement be unexpected, that the failure to

obtain an item will result in imminent danger to physical health, and that there are no other resources available to the applicant to obtain the item.

Section 57 (1)(a) of the EAPWDR states that the minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed.

The panel notes that the appellant has been under cancer treatment for three years. The panel accepts the evidence of the registered dietitian that the appellant has lost about 5 kg in the last 6 months; however, the panel notes that this was not a drastic and sudden weight loss and that the appellant was aware of her monthly income and expenses and that she required clothing. Therefore, the panel finds that the ministry was reasonable in determining that the appellant's request for a crisis supplement for clothing was not to meet an unexpected expense or unexpected need.

The panel notes that the appellant receives monthly assistance and is expected to use part of this amount for necessary expenses including clothing. Therefore, the panel finds that the ministry was reasonable in determining that there are other resources available to the appellant to obtain the clothing.

Section 57 (1) (b) of the EAPWDR states that the minister may provide a crisis supplement to a family unit that is eligible for disability assistance if the failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit. The panel notes that there is no evidence to show that failure to obtain the clothing will result in imminent danger to the appellant's physical health. Therefore, the panel finds that the ministry was reasonable in determining that information has not been provided to establish that failure to obtain clothing will result in imminent danger to the appellant's physical health.

Accordingly, the panel finds that the ministry's decision denying the appellant's request for a crisis supplement for clothing was a reasonable application of the legislation and was supported by the evidence. Therefore, the panel confirms the ministry's reconsideration decision.