

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (Ministry) reconsideration decision dated August 15, 2013 which held that the appellant was not eligible for a crisis supplement for food pursuant to Section 5 of the Employment and Assistance for Persons with Disabilities Act (EAPWDA) and Section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry determined that the appellant meets the criteria of subsection (1) of Section 57 of the EAPWDR as the appellant is eligible for disability assistance, the first part of subsection (1) (a), as the crisis supplement for food is to meet an unexpected need and subsection (1) (b) as the failure to receive the requested crisis supplement will result in imminent danger to her physical health or would cause the removal of a child. However, the ministry determined that the appellant failed to establish that she did not have other resources to meet her need as required by the second part of Section 57 (1) (a) of the EAPWDR.

PART D – Relevant Legislation

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

Employment and Assistance for Persons with Disabilities Act – EAPWDA- Section 5

PART E – Summary of Facts

The evidence before the ministry at the time of reconsideration consists of:

- 1) The Request for Reconsideration dated August 6, 2013;
- 2) A 3-page hand written letter, undated and unsigned, that outlines the reasons why the appellant needed a crisis supplement for food and why she did not have provide the receipts the ministry requested;
- 3) 2-pages of bank account activity details from Jun 03, 2013 to July 03, 2013;
- 4) 4-pages of photocopied receipts for purchases of food items, with a written total of \$56.57 in cash purchases;
- 5) A 2-page hand written letter from the appellant that summarizes that she does not smoke, drink or use substances, that the ministry can figure out how much it costs to send lunches to school daily, pay for activities and to transport her 3 children to and from school, and that the only reason she asked for a crisis supplement for food was because she was in need.
- 6) The ministry also notes that since the appellant's original request for crisis supplement for food, she has received \$1352.08 disability assistance, \$205.00 in nutritional supplements, a \$375.00 school start up allowance, in addition to Child Tax benefits and a GST credit.

At the hearing the appellant submitted a 6-page submission that included:

- 1) A photocopy of the front and back of a cheque written out by the appellant to her landlord, which was the top up she submits to her landlords for rent;
- 2) A statement from her bank indicating that the aforementioned cheque was returned for non-sufficient funds;
- 3) A receipt totaling \$282.74 for household items, which does not show the date of purchase or the store from which the items were purchased;
- 4) A provincial court document dated November 17, 2009, which states that the appellant's monthly maintenance support is payable the 1st day of every month;
- 5) A Ministry of Housing and Social Development document that sets out the rules for freedom of information and privacy protection; and
- 6) A schedule for a food bank for July to December 2013 that shows that the food bank was closed July 2 and July 3rd, but with no indication of the name or location of the food bank.

The panel provided time to allow the ministry to review the documents in detail, and the ministry did not object to the admissibility of the documents. The panel also reviewed the documents and admitted them as relating to the appellant's original application for a crisis supplement for food and being in support of information before the ministry on reconsideration, pursuant to Section 22(4) of the Employment and Assistance Act.

At the hearing the appellant stated that she did not receive maintenance support in June or July and only half on May 15, 2013, her GST refund was sent out on July 5, 2013, one day after she requested a crisis supplement, and she depended on her child tax benefit during this time. The appellant further stated that the \$205 nutritional supplement was used for her \$240 monthly rent shortfall. She stated that if she had known ahead of time that retaining shopping receipts would be a requirement for a crisis supplement for food, she would have kept them, and that the Ministry was unreasonable in its request. The appellant is of the opinion that the information she has provided, i.e. the bank statements, shopping receipts and the food bank schedule, is sufficient to demonstrate that she did not have other resources to meet her need for food. She also added that she felt humiliated by the Ministry's handling of her situation as her privacy was not respected.

APPEAL #

The Ministry relied on its reconsideration decision.

PART F – Reasons for Panel Decision

The issue at appeal is whether the ministry's decision that the appellant failed to establish that her need for a crisis supplement for food could not have been met by other resources as required by Section 57 (1) (a) of the EAPWDR was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

Section 57(1) of the EAPWDR sets out the eligibility requirements which are at issue on this appeal for providing crisis supplement, as follows:

Crisis supplement

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*.

Section 5 of EAPWDA provides as follows:

Disability assistance and supplements

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

The Ministry's Position

The Ministry acknowledges that because the appellant did not receive maintenance support for the month of June it left a budgetary shortfall and created unexpected need to cover the cost of food, and that the inability to obtain food will result in imminent danger to the physical health of the appellant's family unit. However the Ministry is not satisfied that the appellant exhausted other resources or that she did not have other resources available to her. Therefore the appellant did not meet all of

the criteria set out in Section 57 (1) of the EAPWDR to be eligible for a crisis supplement for food.

The Appellant's Position

The appellant holds that she provided the Ministry with all the information she had, her bank documents demonstrate that she did not have extra funds to pay for food and the food bank schedule demonstrates that other resources were not available to her.

Panel Decision

Section 57 (1) outlines that the Ministry may provide a supplement if the appellant is unable to meet the need or obtain the item because there are no other resources available to the appellant. The panel notes that the appellant provided the Ministry with the only information she had and that she did not expect to provide the Ministry with receipts for purchases made and therefore did not retain them. However, the panel finds that the receipts and bank statements provided show several purchases made by either cash or debt but do not account for the cash withdrawals made on the appellant's account. The appellant failed to demonstrate how she spent the total of the cash withdrawals from her bank account or that she attempted to access services from the food bank either prior to or after the closure dates or that she attempted to access other resources within the community. The panel also finds that the appellant has been in receipt of \$1352.08 for disability assistance, \$205.00 for nutritional supplement, \$375.00 for school start up allowance, Child Tax benefits and GST credits. The panel finds that the Ministry was reasonable determining that the appellant has not established that other resources were not available to meet the need of food.

The evidence establishes that all of the criteria set out in Section 57 (1) of the EAPWDR have not been met. The panel therefore finds that the ministry's decision to deny the appellant's request for a crisis supplement for food was a reasonable application of the legislation and was supported by the evidence. Thus, the panel confirms the ministry's reconsideration decision.