

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “Ministry”) July 22, 2013 reconsideration decision denying the Appellant, who has Persons with Disabilities (“PWD”) designation, a crisis supplement for a bed for her because the Ministry determined that the Appellant did not meet the criteria in section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation, and specifically that:

- A bed was not an unexpected expense or an item unexpectedly needed;
- The Appellant is able to meet the expense or obtain the item from her resources; and
- Failure to obtain the bed will not result in imminent danger to the physical health of any person in her family unit.

The Ministry was satisfied that the Appellant's request for a crisis supplement for a bed for her son met the supplement criteria in section 57(1).

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”) Section 57(1).

PART E – Summary of Facts

For its reconsideration decision the Ministry had the following evidence:

1. Information from its records that the Appellant:

- Is a single recipient of disability assistance with two dependent children and has not received a crisis supplement for furniture in the past.
- Receives \$1394.08 a month in disability assistance, \$348.75 a month in national child benefits/BC family bonus and \$238.83 a month in child tax benefit for a total monthly income of \$1984.66.
- Pays \$850 a month rent.
- On June 25, 2013 requested assistance to buy a bed because she was not happy with the quality of her bed.

2. Appellant's request for reconsideration in which she wrote that she cannot get a bed from Craig's List because she no longer has access to a truck or vehicle of any sort. Her bed has springs poking out in several places and it is dangerous if she lays her infant on it. Also, when she wakes up in the night to pick up her infant from her bassinet it is a real challenge. The Appellant stated she is so stiff and sore from the bed that she can hardly bend at a 45° to pick up her 8 lb. daughter. She wrote that if she was able to get another bed without having to go through all the added paperwork she would. She stated that she is out of options. She has called other organizations and churches who advised her to go through the Ministry.

In her notice of appeal, the Appellant wrote that she paid for her last bed with a crisis grant. She has been stuck with a bed that has springs popping out of the material. It is completely sagging. She wakes up with extreme difficulty with acute lower back pain and fears that she may drop her infant daughter when she picks her up out of her standing bassinet. She wrote that it is also difficult to stand from a sitting position after sleeping in this bed. Also, in the last 6 months she had to save to get a crib and baby things leaving her no money to save for a bed for herself.

At the hearing, the Appellant described the condition of her bed and how it affects her physically as she did in her other submissions cited above. When asked about financial assistance, she said she wasn't sure how much she receives, but thought it was about \$1,700 to \$1,800 a month. She explained that she had to save money to buy a crib, stroller and other items for her baby and therefore had no money for her bed. The Appellant also said she contacted different churches and other organizations for help, but without success.

The Panel finds that the Appellant's testimony at the hearing provided the same details about her circumstances as in the appeal record. Therefore, pursuant to section 22(4) of the Employment and Assistance Act, the Panel admits this testimony as being in support of the evidence the Ministry had at reconsideration.

At the hearing, the Ministry reviewed and relied on its reconsideration decision.

The Panel makes the following findings of fact:

1. The Appellant receives about \$1,980 a month and pays \$850 a month in rent.
2. The Appellant provided no information that she or anyone in her family unit faced imminent danger to their physical health if she did not get another bed.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably denied the Appellant, who has PWD designation, a crisis supplement for a bed for her because the Ministry determined that the Appellant did not meet the criteria in section 57(1) of the EAPWDR, and specifically that:

- A bed was not an unexpected expense or an item unexpectedly needed;
- The Appellant is able to meet the expense or obtain the item from her resources; and
- Failure to obtain the bed will not result in imminent danger to the physical health of any person in her family unit.

Applicable Legislation

The following section of the EAPWDR applies to the Appellant's circumstances in this appeal:

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) the removal of a child under the *Child, Family and Community Service Act*.

The Parties' Positions

The Appellant submits that her current bed causes her acute lower back pain so that it is very difficult for her to pick up her infant daughter. The Appellant also stated that she feared that her infant could be harmed if she laid her on the bed. In addition, the Appellant submitted that after saving for a crib and baby things, she had no money left to save for a bed for herself. She also tried to get help from churches and other organizations without success.

The Ministry's position is that replacing a bed is not an unexpected expense. The Appellant would be required to replace it as it started to wear and it would have been reasonable that she would save for it. The Ministry was not satisfied that the Appellant did not have the ability to budget to replace her bed. Therefore, the Ministry determined that the Appellant did not satisfy the criteria for a crisis supplement.

The Panel's Findings and Conclusion

The Ministry may provide a crisis supplement to a recipient of disability assistance only if the criteria in section 57(1) of the EAPWDR are met. The Appellant provided no evidence that she needed a new bed unexpectedly or that the new bed was an unexpected expense. She submitted only that hers was starting to sag and springs are popping out of the mattress. Therefore the Panel finds that the Ministry reasonably determined that the Appellant did not need the crisis supplement to meet an unexpected expense or to obtain an item unexpectedly needed.

With respect to the Appellant's resources, the Appellant stated that for the past six months she had to

save for a crib and baby things, but she provided no details of her expenses during that time. In this case, the Panel notes that the Appellant receives monthly income of about \$1,980 and pays rent of \$850 a month. The Panel finds that, based on the information about the Appellant's financial resources, the Ministry reasonably determined that she should have the ability to budget for a bed. Therefore, it also reasonably determined that the Appellant did not demonstrate that she is unable to meet the expense of a new bed or that there are no resources available to the family unit, as required by section 57(1)(a) of the EAPWDR.

In addition, the Panel finds that the Appellant provided no information about any imminent danger to the physical health of any person in her family unit if she does not obtain a new bed. The Appellant only submitted that she has acute pain in her lower back making it difficult to pick up her infant and she fears that the child might be hurt if she lays her on the bed. Therefore, the Panel finds that the Ministry reasonably determined that the Appellant also did not satisfy the requirements in section 57(1)(b)(i) of the EAPWDR.

Having considered all of the evidence, the Panel confirms the Ministry's reconsideration decision because it is reasonably supported by the evidence.