

**PART C – Decision under Appeal**

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision dated July 31, 2013, which denied the appellant a crisis supplement for clothing. The ministry relied upon section 59 of the Employment Assistance Regulation (EAR) and specifically determined that: (a) the crisis supplement was not required to meet an unexpected expense, or to obtain an item unexpectedly; (b) information was not provided to establish that the appellant had no resources available to her to obtain the clothing on her own; and (c) information had not been provided to establish that failure to obtain the clothing will result in imminent danger to the appellant’s physical health.

**PART D – Relevant Legislation**

Employment Assistance Act (EAA) –section 4  
Employment Assistance Regulation (EAR) –section 59

## PART E – Summary of Facts

The following information and records were before the ministry at the time of the reconsideration:

- A File Note dated July 15, 2013 relating to the Appellant, which, among other things, states that: (a) the appellant had called to inform that she works part-time on movie sets and had been offered a job for day the following week, and needs a special outfit for that one day job as a film extra; (b) the appellant had not tried any resources; (c) a ministry worker informed the appellant that she did not meet the required legislation for crisis clothing; (d) the appellant was informed by the ministry worker that request for the supplement was denied as failure to meet the expense or obtain the item would not result in imminent danger to the physical health of any person in the family unit or removal of a child under Child, Family and Community Services act; and (e) the appellant was advised about the legislation and R2R, which presumably means the right to request reconsideration;
- Section 3 of a Request for Reconsideration Form dated 23<sup>rd</sup> July 2013 signed by the appellant, which, among other things, states that: (a) the appellant was requesting reconsideration as she has lost an extreme amount of weight and the clothing that she currently has does not fit; (b) the appellant was on a waiting list for a headache specialist; (c) the appellant had a one day of work booked as a special skills extra at \$10.66 per hour and it required a specific look; (d) around mid July, the appellant was rushed to hospital emergency for extreme headache pain at the back and front of the head; and (e) the appellant was examined and was told that she had to wait until a headache specialist could be found;
- Sections 1 and 2 of the Request for Reconsideration Form dated July 17, completed by a ministry worker, which, among other things, states that: (a) the appellant was informed about the specific provisions of section 59 of the EAR; (b) the appellant has requested a crisis supplement for clothing on July 15, 2013 in order to pursue a day of employment as a movie extra; (c) the appellant did not identify any kind of imminent danger that would require a crisis supplement for clothing; (d) the appellant had not accessed any community resources; (e) the appellant was informed that her request for crisis supplement for clothing did not meet the crisis supplement criteria as there was no imminent danger to her physical health as a result of a need for clothing; and (f) the appellant had not exhausted all possible resources;

Subsequent to the date of reconsideration, a Notice of Appeal dated August 14, 2013 filed by the appellant states that: (a) the appellant is receiving assistance as a PPMB (under \$150.00); (b) she does not receive full benefits; and (c) she cannot afford the required clothing from the \$500.00 she receives as spousal support.

At the hearing, the appellant argued that she needed specific type of "*vintage*" clothing to pursue a day of employment as a movie extra on July 29, 2013. This employment assignment was postponed to August 2<sup>nd</sup> and she did, indeed, work as a movie extra with improvised clothing. The appellant stated that the last time she sought crisis supplement for clothing was approximately three years ago so that she could have suitable attire (white blouses and pants) to go for job interviews. At that time, the approval process for obtaining such clothing was fairly straightforward. The appellant acknowledged that her last request was for clothing for daily wear and not for any specific purpose similar to her current request.

The appellant went on to state that she: (a) has PPMB designation; (b) has lost a lot of weight; (c) is struggling to find a job; (d) is facing several health issues and is on a wait list to meet with a headache specialist; (e) is looking for a new GP; (f) does not sleep well and her nutrition is not good; and (g) her spousal support ended in mid August 2013. The appellant unsuccessfully visited approximately 10 community resources to look for the special type of clothing she needed for the employment as a movie extra.

The ministry argued that the issue in this appeal is the appellant's application for an emergency crisis supplement. There was no evidence before the minister at the time of reconsideration that the appellant had exhausted all resources to find the type of clothing she needed, and there was also no evidence that the failure to obtain such clothing would result in imminent danger to the physical health of the appellant.

Based on the foregoing, the panel makes the following findings of fact:

The appellant:

- is a recipient of income assistance as a PPMB;
- has several medical challenges, including poor nutrition, loss of weight, difficulty in sleeping and headaches for which she is on a waiting list of a headache specialist; and
- was able to work as a movie extra on August 2<sup>nd</sup> with improvised clothing.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision to deny the appellant's request for crisis supplement for clothing was reasonably supported by evidence, or a reasonable application of the applicable enactment in the circumstances of the appellant. The ministry determined that the appellant was not eligible to receive a crisis supplement under section 59 of the Employment Assistance Regulation as: (a) it was not required to meet an unexpected expense, or to obtain an item unexpectedly; (b) information was not provided to establish that the appellant had no resources available to her to obtain the clothing on her own; and (c) information had not been provided to establish that failure to obtain the clothing will result in imminent danger to the appellant's physical health.

In arriving at its reconsideration decision, the ministry relied upon the following legislation:

### Employment Assistance Act

#### Income assistance and supplements

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

### Employment assistance Regulation

#### 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*.

(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.
- (5) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).
- (6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of income assistance or hardship assistance that may be provided for the month under Schedule A or Schedule D to a family unit that matches the family unit.
- (7) Despite subsection (4) (b) or (5) or both, a crisis supplement may be provided to or for a family unit for the following:
- (a) fuel for heating;
  - (b) fuel for cooking meals;
  - (c) water;
  - (d) hydro.

(B.C. Reg. 12/2003)

The appellant's case is that she needed special type of clothing for a day of employment as a movie extra. She attempted to obtain the relevant type of clothing from approximately 10 community resources, but was not successful. The appellant has PPMB designation has several medical challenges, including loss of weight, difficulty in sleeping and a need to see a headache specialist, for which she is on a waiting list.

The ministry's case is that crisis supplement for clothing could be provided in an emergency if the expense is unexpected. Specific clothing to work for one day as a movie extra could not be regarded

as being "unexpected". Furthermore, there was no evidence before the ministry at the time of reconsideration that the appellant has exhausted all resources to find the type of clothing that she needed, and there was no information that failure to obtain the specific type of clothing would result in imminent danger to the appellant's health.

Section 4 of the EAA empowers the minister to provide income assistance or a supplement to a family unit that is eligible for it. The eligibility criteria are set out in section 59 (1) (a) of the EAR that, among other things, provide that a crisis supplement could be provided if a family unit requires the supplement to meet an "*unexpected expense*" or to "*obtain an item unexpectedly needed*" and there are no resources available to the family unit to meet the expense or to obtain the item. An additional requirement of the relevant legislation [section 59 (1) (b)] is that the minister must be satisfied that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person of the family unit.

In the present case, the panel notes that the appellant's request is not for clothing for daily wear. It is for specific clothing to work for one day as a movie extra. The panel is of the view that a crisis supplement for the proposed employment for one day cannot be regarded or described as an "*unexpected expense*" or "*items unexpectedly needed*". The appellant acknowledged that she did partake in the intended employment, albeit with improvised clothing. Therefore, the panel finds that the appellant did not meet the legislative criteria prescribed in section 59 (1) (a) of the EAR.

A secondary requirement of section 59 is set out in sub-section (1) (b), which provides that if the criteria of sub-section (1) (a) is met, the minister must be consider that that failure to meet the unexpected expense would result in imminent danger to the physical health of any person in the family unit. In her reasons for reconsideration and reasons for appeal, as well as at the hearing, the appellant highlighted her medical challenges that are described hereinbefore. It is difficult for the panel to imagine how a failure to obtain a crisis supplement to purchase a special costume to appear as an extra in a movie could result in an imminent danger to the physical condition of the appellant. Furthermore, the panel is of the view that, in any event, the appellant's medical conditions fall far short of the standard of "*imminent danger to the physical condition of the appellant*" envisaged in sub-section (1) (b) of section 59 of the EAR.

In view of the foregoing analysis, the panel finds that the decision of the minister to a deny crisis supplement for special clothing to the appellant to be employed as a movie extra was reasonable. The panel further finds that the reconsideration decision was reasonably supported by the evidence and is a reasonable application of the applicable legislation in the circumstances of the appellant. Therefore the panel confirms the decision of the minister.