

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (the ministry)'s Reconsideration Decision dated September 16, 2013 which denied the appellant a crisis supplement for clothing. The ministry relied upon section 4 of the *Employment and Assistance Act* and section 59 of the *Employment and Assistance Regulation* and specifically determined that the crisis supplement was not required to meet an unexpected expense, or to obtain an item unexpectedly, that the information provided did not establish that no other resources are available and that failure to provide the funds will not result in imminent danger to the physical health of any person in the family unit or removal of a child under the Child, Family and Community Service Act.

PART D – Relevant Legislation

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

PART E – Summary of Facts

The evidence before the ministry at the time of the reconsideration decision consisted of:

- 1) The appellant's Request for Reconsideration (RFR), dated September 5, 2013 and signed by the appellant, with Section 3 "Reason for Request for Reconsideration" not completed.
- 2) Sections 1 and 2 of the RFR dated August 13, 2013 completed by a ministry worker, which states the reasons that the appellant's request for assistance to purchase clothing for her older son was not granted. The ministry states that the appellant requested assistance on August 13, 2013 to purchase clothing for her son because he has some holes in his jeans. The ministry added that the appellant had been issued \$100 on July 24, 2013 for items related to preparing for the start of school, including clothing; however, the appellant had stated that she had used these funds to pay hydro and other expenses. The ministry states that the appellant did not demonstrate how this expense to purchase clothing was unexpected or caused by an emergency or unexpected circumstance and that clothing replacement for children due to growth or normal wear is not unexpected. The ministry states that the appellant receives ongoing assistance of \$1075.58 which includes \$375.58 for support, including basic needs and clothing, in addition to \$871.08 in Child Tax Benefit funds which is intended to help with the costs of raising children, including clothing purchases. The ministry also adds that the appellant's son does have clothing and that resources may be available to meet the need, therefore; it has not been demonstrated that the failure to provide the requested funds will result in imminent danger or removal under the Children, Family and Community Service Act.

In her Notice of Appeal the appellant states that she disagrees with the ministry's decision because, "the guy that originally denied me on the phone said he was just going to deny my 7 year old son, then hung up on me. When I phoned back I then discovered he denied all of us." She adds that during the summer she is able to manage and receives a lot of donated clothing, however; now that the weather is getting colder and rainier, all of the family members need jackets and boots without holes. The appellant states that she is doing what she can to get off of assistance, but for now, she really needs proper clothing for her children and herself.

The appellant did not attend the hearing. Having confirmed that the appellant was notified of the hearing, the panel proceeded with the hearing pursuant to EAR section 86(b).

The ministry relied on the information within the reconsideration decision and confirmed that the \$100 startup funding was issued specifically for the intent to purchase of school items for the appellant's oldest son and does not require an additional or special request to be made by the family. The ministry otherwise submitted no new information.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision to deny the appellant's request for a crisis supplement for clothing on the basis that she did not meet the legislated criteria of Employment and Assistance Act section 4 and Employment Assistance Regulation section 59 was reasonably supported by the evidence, or was a reasonable application of the applicable legislation in the circumstances of the appellant.

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)

Whether the expense is unexpected or whether the request is required to obtain an item unexpectedly needed

The appellant's position, as set out by the ministry in the Request for Reconsideration, states that she required the crisis supplement because her son had holes in his jeans. In the appellant's Notice of Appeal, she states that her whole family requires clothing for the upcoming rainy season.

The ministry's position, as set out in the reconsideration decision, is that the information does not establish that there was an unexpected expense, as it is not unexpected that children will outgrow or cause normal wear to their clothing, requiring replacement.

The panel finds that as the normal wear and tear of children's clothing occurs over time and there was not an unexpected event or circumstance to unexpectedly cause the holes, that it is not an unexpected expense or an unexpected need. The panel also finds that, in regards to the entire family requiring clothing for the upcoming rainy season, the change to colder and rainy weather is not unexpected.

The panel finds that the clothing replacement was not an unexpected expense and that the ministry reasonably determined that the appellant's request did not meet this criterion as required by section 59 of the EAR.

Whether resources available

The appellant's position is that she needed to use the \$100 school startup funding to pay hydro and other expenses and that she borrows and accepts donating clothing during the summer, but this is not sufficient in rainy or cold weather.

The ministry's position is that the appellant receives ongoing assistance of \$1075.58 which includes \$375.58 for support, including basic needs and clothing, in addition to \$871.08 in Child Tax Benefit funds which is intended to help with the costs of raising children, including clothing purchases.

The panel finds that given the appellant's monthly income and despite her statement regarding the availability of donated clothing, there is insufficient evidence indicating that resources to purchase or acquire clothing items may not be available to the appellant.

Accordingly, the panel finds that the ministry reasonably determined that the appellant's request did not meet the criteria required of the EAR section 59.

Imminent danger to health

The appellant's submission did not address this criterion.

The ministry's position is that the appellant's son does have clothing and that resources may be available to meet the need, therefore; it has not been demonstrated that the failure to provide the requested funds will result in imminent danger to the physical health of any person in the family or removal of any of the appellant's children under the Children, Family and Community Service Act.

The panel finds that there is no evidence indicating imminent danger to the physical health of the appellant or her child or removal of a child under the Children, Family and Community Service Act.

Accordingly, the panel finds that the ministry reasonably determined that the appellant's request did not meet the criteria required of the EAR section 59.

Conclusion

In conclusion, the panel finds that the ministry's decision to deny the appellant a crisis supplement for clothing, because she did not meet the criteria under Section 59 of the EAR, was reasonably supported by the evidence and a reasonable application of the legislation in the circumstances of the appellant. The panel thus confirms the ministry's decision.