



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry)'s reconsideration decision dated November 8, 2013, finding the Appellant is not eligible to receive a crisis supplement to purchase certain items for her unborn baby because the criteria of section 59 of the Employment and Assistance Regulation (EAR) are not met:

1. The need for the item is unexpected or there is an unexpected expense;
2. There are no alternate resources available; and
3. Failure to provide the items would result in imminent danger to the physical health of the Appellant or her family or to removal of her child under the *Child, Family and Community Services Act*.

PART D – Relevant Legislation

The relevant legislation is section 59 of the EAR.



PART E – Summary of Facts

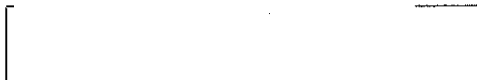
The Appellant is currently receiving assistance as a single mother recipient. She has a toddler and is pregnant with another child. The father is not in evidence although the Appellant is pursuing child support payments from him for both children. The Appellant receives a total monthly payment from the ministry of \$1005.58, while her rent is \$900 per month and utilities \$135.

On August 7, 2013, the Appellant applied for a crisis supplement for certain baby items such as a car seat, a crib, clothing, bottles and a stroller. This request was denied by the ministry on the basis that her request did not meet any of the three legislated criteria to receive a crisis supplement.

The Appellant applied a second time for a crisis supplement for substantially the same items on October 23 this time providing the ministry with 3 quotes for each item based on her online searches. Her request was once again denied for the same reasons as her previous application. She then applied for reconsideration of that decision on October 28th. The reconsideration decision denied the Appellant again on the basis that her request did not meet any of the three legislated criteria.

At the hearing the Appellant stated that she needed these items in order to properly care for her toddler and baby and that she has made efforts to access community resources but was unable to acquire them by that means. She stated that it was her understanding that she would have to have a car seat in order to leave the hospital with her baby. She also needed the crib and a bed for her toddler in order to move her toddler from sleeping in her bed. The remaining items were those that she would need to properly care for her baby. Finally, the Appellant stated that she does not now, and has not since becoming pregnant, have the money to purchase these items herself.

The Ministry re-iterated its position that this request for a crisis supplement does not meet any of the three legislated criteria and so it cannot provide a crisis supplement for these items.



PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry's decision finding the Appellant is not eligible to receive a crisis supplement to purchase certain items for her unborn baby.

The relevant legislation is section 59 of the EAR:

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;
 - (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.

The Ministry denied the Appellant's request on the grounds that it did not meet all three of the legislated criteria:

1. The Appellant has known she was pregnant for some time so that the arrival of her baby and the need for these items cannot be characterized as 'unexpected'.

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2. The Appellant has not provided proof that she has made reasonable efforts to acquire these items through other means such as accessing community resources.
 3. Not having these items does not place the health of the Appellant or either of her children in imminent danger and there is no indication that a child would be removed.

The panel finds that as the Appellant has known she is pregnant for some months the need for these items cannot be characterized as "unexpected" and therefore the ministry's determination that she did not meet the first criterion was reasonable.

It is not clear to the panel whether the Appellant has made reasonable efforts to acquire these items through other means. At the hearing the Appellant stated that she has done so but there was a significant waiting list for these types of items wherever she went. Given lack of any other evidence in this regard, the panel finds that the Appellant has made reasonable efforts to acquire these items by other means and therefore the ministry's determination that she did not meet this second criterion was not reasonable.

The panel cannot find that there is any "imminent danger" to the health of any family members if these items are not acquired at this point in time. None of these items is essential to the health of any of the family members at this time. Therefore the ministry's determination that the Appellant does not meet the third criterion was reasonable.

The Appellant has met only one of the three legislated criteria as required by section 59.

Accordingly, the panel finds that the Ministry's decision to deny the Appellant a crisis supplement to purchase certain items for her unborn baby was a reasonable application of the relevant legislation and confirms the Ministry's reconsideration decision.