



PART C – Decision under Appeal

The decision under appeal is the reconsideration decision dated October 25, 2013 in which the ministry denied the appellant a crisis supplement to reimburse fees for his doctor to prepare a medical application for CPP and the disability tax credit because the request did not meet the criteria necessary in s 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry found that the expense the appellant was requesting reimbursement for was not unexpected, that the appellant did have the resources to pay it, and that failure to provide the reimbursement would not result in imminent danger to his physical health.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWD) section 5  
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57

## PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- A request for reconsideration form dated October 16, 2013 completed by the appellant. The appellant writes, "1/ Hardship-Immediate need, 2/ crisis supplements, 3/ requirement to apply for CPP benefits, 4/ disability benefits-medical needs under 118(1)(c) of 117.1 of the act, 5/ need full disclosure of file."

At the hearing the appellant told the panel that he was billed by his doctor for fees relating to document preparation. He told the panel that in order to get his CPP and disability tax credit he was required to have medical documents photocopied by his doctor from his personal file. He told the panel that he was required to provide medical documents for various medical supplement applications as well as to obtain his fishing license. He told the panel that every time he requests a document from his doctor, he is charged a fee. He added that he has had to pay \$208 in document fees to his doctor's office and that his doctor threatened to withhold services including providing any more medical records if he did not pay the fees. The appellant stated that some of the bills that he received from his doctor were for documents he requested over the past few years including his application for the Disability Tax Credit in 2011.

The appellant argued that since the documents are a required part of his applications with the ministry and various other government agencies that the ministry should pay for any fees his doctor charges to obtain them. He added that the ministry told him to apply for the disability tax credit and he had to pay for more medical documents in order to complete the application.

The ministry told the panel that the appellant submitted his request as both a crisis supplement and a hardship request. The ministry explained to the panel that the appellant's request was processed as a crisis supplement because he is a current recipient of benefits and the hardship request is for people that are not currently approved for benefits.

The ministry told the panel that in order for a crisis supplement to be approved it needs to be for an expense that was unexpected, the person must have no other resources to pay for it, the failure to meet the expense will result in imminent danger to physical health, and that it must be provided in the calendar month that it was incurred. The ministry determined that the appellant's request did not meet any of these requirements. The ministry stated that the applications for supplements, tax credits, or fishing licenses are not considered unexpected since a person would have advance knowledge that they would be applying and could budget for any costs. The ministry added that not paying these documentation fees would not result in imminent danger to his health and that since the appellant had already paid for the fees it could not be determined that he had no other resources available.

The ministry added that the ministry did request that the appellant apply for his Disability Tax Credit but only provided him with the information about the credit so he could apply if he desired. The ministry added that Service Canada pays any fees related to medical records for the CPP application.

The panel finds:

- The appellant incurred fees from his doctor to provide medical documents over the past two years for various benefit applications. The total of the costs was \$208 payable to his doctor.
- The appellant was provided details on how to apply for the Disability Tax Credit but the application was not mandated by the ministry.

[Redacted]

- The appellant has paid for the fees and is seeking a reimbursement.
- The appellant's request for reconsideration was for reimbursement of doctor's fees for medical records and medical form completion of his CPP, Disability Tax Credit and other forms.

## PART F – Reasons for Panel Decision

The issue under appeal in this case is the reasonableness of the ministry's decision to deny the appellant a crisis supplement to reimburse the appellant for documentation fees from his doctor because the ministry determined that the request did not meet the criteria set out in the legislation.

### Employment and Assistance for Persons with Disabilities Act (EAPWD) section 5

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.

### Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57

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*.

(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 disability 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 argument of the appellant is that he requires the crisis supplement to reimburse the money that he had to pay his doctor for copies of his medical records. The medical records were required for his CPP application, Disability Tax Credit application, fishing license, and vitamin supplement application. The appellant argued that since the documents are a required part of his applications with the ministry and various other government agencies that the ministry should pay for any fees his doctor charges to obtain them.

The argument of the ministry is that the appellant's request does not meet the criteria for a crisis supplement as set out in the legislation. The ministry found that the appellant's need was neither unexpected nor would the lack of reimbursement cause imminent danger to his physical health. The ministry argues that since the appellant has already paid the fees to the doctor, it cannot be determined that the appellant has no resources to pay for the expense.

The panel considered the evidence in the appeal record as well as the oral arguments of both the appellant and ministry. The legislation requires that the need for the crisis supplement be unexpected, that the failure to obtain item will result in imminent danger, and that there are no other resources available to the applicant to obtain the item. In relation to whether or not the expenses were unexpected the panel considered that the appellant would have been aware before he completed an application for his Disability Tax Credit, fishing license, and vitamin supplement that he would require medical documents to support his applications. The panel finds that the ministry was reasonable to determine that the appellant's need for reimbursement of the medical record fees was not unexpected.

In relation to whether or not the lack of reimbursement would cause imminent danger to his physical health the panel considered the appellant's testimony that his doctor threatened to withhold services including refusing to complete any further medical forms. The panel finds that if he was sanctioned in that way by his doctor it would create an inconvenience for him to find another doctor but he would not be in imminent danger to his physical health. The panel finds that the ministry was reasonable in determining that the appellant was not in imminent danger without the reimbursement.

The panel relied on the appellant's testimony that he has already paid for the doctor fees so the panel is satisfied that he had the resources to cover the expense. The panel finds that the ministry was reasonable to determine that there are other resources available to the appellant to pay the doctor's expenses.

The panel finds that the ministry's decision was a reasonable application of the legislation and therefore confirms the ministry's decision.