

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (Ministry) reconsideration decision dated October 2, 2013 which held that the appellant was not eligible for a crisis supplement for food pursuant to Section 5 of the Employment and Assistance for Persons with Disabilities Act (EAPWDA) and Section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry determined that the appellant meets the criterion of subsection (1) of Section 57 of the EAPWDR as the appellant is eligible for disability assistance. However, the ministry determined that the appellant failed to establish that, pursuant to subsection (1) (a), the crisis supplement for food is to meet an unexpected expense and that he did not have other resources to meet his need, and subsection (1) (b) that the failure to receive the requested crisis supplement will result in imminent danger to his physical health or would cause the removal of a child.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation – EAPWDR- Section 57 (1)

Employment and Assistance for Persons with Disabilities Act – EAPWDA- Section 5

PART E – Summary of Facts

The appellant did not attend the hearing. After confirming that the appellant was notified, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation. The panel notes that the Tribunal forwarded a letter to the appellant prior to the hearing offering to arrange for interpreter services for the purposes of the hearing.

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

- 1) The Request for Reconsideration dated Sept. 24, 2013, in which the appellant stated that he needs food to live, has no food, has no money to purchase food, no community resources available to him and no money in his budget for unexpected medical expenses;
- 2) Ministry notes that the appellant received \$790.56 for transportation in May 2013, he received crisis supplements for food for the months of June, July and August 2013, and has \$406.42 in support funds plus tax credits available to him after his \$500 per month rent is paid.

At the hearing, the ministry provided an additional document, a pamphlet guide outlining the free and low cost goods and services available in the appellant's city including information regarding food banks and free meals, as evidence that other community resources are available. The panel reviewed the document and admitted it as relating to the ministry's argument that the appellant had other resources available to him within the community but failed to demonstrate using them, and being in support of information before the ministry on reconsideration, pursuant to Section 22(4) of the Employment and Assistance Act.

In the Notice of Appeal, the appellant expressed that the ministry misunderstood the reasons why he needed the crisis supplement for food because his English skills are weak and that he deserves the opportunity to have his reasons heard through an interpreter and representative.

At the hearing, the ministry reiterated that its decision is based on the information provided to it by that appellant, in which he failed to demonstrate that buying food was an unexpected expense or that due to an unexpected expense he did not have the funds for food, that other community resources were not available to him and that failure to obtain food would lead to imminent danger to his physical health.

The ministry also stated that initially the appellant requested the crisis supplement for food because he had unexpected transportation costs due to a car accident. However, the appellant is given \$790.56 annually, or \$69.63 per month, for transportation costs. The appellant later stated that he spent funds to buy over-the-counter medication. It is the ministry's position that the appellant has \$406.42 of support funds after his rent is paid; therefore there are funds available to him to purchase medication and food.

Finally, the ministry noted that the appellant had received crisis supplements for food for the months of January, February, June, July and August of 2013, and the sixth request establishes a pattern of dependence. The appellant is a single recipient with no dependent children. The ministry offices distribute the guide outlining the free and low cost food in the community, and a telephone number is usually provided to clients for a list of community resources. If the appellant believed he was not being understood due to weak English skills, he could have brought a family member or a friend to provide language translation, or a request can be made of the ministry.

PART F – Reasons for Panel Decision

The issue at appeal is whether the ministry's decision that the appellant failed to establish that his need for a crisis supplement for food was an unexpected expense, that the expense could not have been met by other resources and that the failure to receive the requested crisis supplement will result in imminent danger to his physical health or would cause the removal of a child as required by Section 57 (1) (a) of the EAPWDR was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

Section 57(1) of the EAPWDR sets out the eligibility requirements for providing crisis supplement, as follows:

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

Section 5 of EAPWDA provides as follows:

Disability assistance and supplements

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.

The Ministry's Position

The ministry asserts that the appellant has \$406.42 in support funds available to him after his monthly rent of \$500 is paid, plus he has tax credits such as GST. In May 2013, the appellant received an additional \$790.56 for annual transportation costs. In addition to the above, the ministry notes that the appellant received a crisis supplement for food in January, February, June, July and August of 2013 and his disability assistance on September 25, 2013. The ministry's position is that food is an ongoing expense and therefore not unexpected. Furthermore, the appellant failed to provide

evidence of accessing alternate resources such as food banks or charity organizations. The ministry also is not satisfied that failure to obtain food will result in imminent danger to his physical health or would cause the removal of a child.

The Appellant's Position

The appellant contends that the ministry may have misunderstood the reasons he gave for needing the crisis supplement for food due to his weak English. The appellant asserts that he needs food to live, he has no food or money to purchase food due to the unexpected cost of purchasing medication, and community resources were not available to him.

The Panel's Decision

The legislation requires that the crisis supplement is required to meet an unexpected expense or obtain an item unexpectedly needed, that there are no other resources available to the applicant and that failure to obtain an item will result in imminent danger to physical health or the removal of a child.

Section 57 (1) (a) of the EAPWDR states that the minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if the family unit or person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed. The panel notes that the expense of purchasing food items is not typically unexpected as the need for food is an ongoing expense, and that the appellant has failed to demonstrate otherwise. The panel does not accept that the appellant had unexpected medication cost as he has failed to demonstrate or provide evidence of what he purchased and at what cost. The panel finds that the ministry was reasonable in determining that the appellant's request for a crisis supplement for food was not to meet the need for an unexpected expense.

In regards to second part of Section 57 (1) (a) of the EAPWDR – that there are no alternate resources available to the family unit to meet an unexpected expense or obtain an item - the ministry provided a guide of numerous resources for free food in the appellant's city. While the ministry was not certain that the appellant received this guide, the appellant failed to demonstrate or provide evidence that he attempted or was unable for some reason, to access additional community resources for food. The panel finds that the ministry was reasonable in determining that the appellant has not established that other resources were not available to meet the need for food.

In respect to Section 57 (1) (b) (i) and (ii), the panel finds that the evidence does not establish that the failure to obtain food will result in imminent danger to the appellant's health or removal of a child. The appellant stated that he needs food to live, but no further evidence was provided to establish that he has no food available to him. The ministry stated that the appellant is a single recipient of disability assistance with no dependent children. The panel finds that the ministry's decision stating that there is no evidence establishing that failure to obtain food will result in imminent danger to the appellant's physical health or the removal of a child was reasonably supported by evidence.

The panel finds that the ministry reasonably concluded that the evidence establishes that all of the criteria set out in Section 57 (1) of the EAPWDR have not been met. The panel therefore finds that the ministry's decision to deny the appellant's request for a crisis supplement for food was a reasonable application of the legislation and was supported by the evidence. Thus, the panel confirms the ministry's reconsideration decision.