

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry's) reconsideration decision dated September 26, 2013 which held that the appellant is not eligible for a crisis supplement for clothing pursuant to section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) because the ministry determined that the appellant's request for the crisis supplement does not meet all three criteria in section 57(1). Specifically, the appellant did not provide information to establish that:

1. she requires the clothing supplement to meet an unexpected expense or obtain an item that is unexpectedly needed;
2. she does not have any resources available to meet the clothing expense or obtain the item; and
3. failure to meet the clothing expense or obtain the item will result in imminent danger to her physical health.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act – EAPWDA - section 5
Employment and Assistance for Persons with Disabilities Regulation – EAPWDR – section 57



PART E – Summary of Facts

The evidence before the ministry at reconsideration included:

- Information from the ministry's records that the appellant receives disability assistance and lives with her spouse and dependent son;
- Request for reconsideration signed by the appellant on September 13, 2013; and
- Ministry notes indicating that the appellant received crisis supplements for clothing in March 2012, September 2012, and May 2013, as well as a school start-up allowance in August 2013.

The ministry relied on its reconsideration decision and did not introduce any new evidence. In its reconsideration decision, the ministry notes the following with regard to crisis supplements for clothing that it paid to the appellant: In both March and September 2012, the appellant received a \$100 supplement, and in May 2013 she received \$200. In addition, she received the school start-up allowance for \$100 in August 2013. The ministry notes that the appellant's September assistance cheque was \$674.56 plus \$150, and that the ministry paid her shelter and hydro. On September 11, 2013, the appellant requested a crisis supplement for clothing as she had exhausted her funds due to school expenses and buying groceries for the month. The ministry denied her request and the appellant submitted a request for reconsideration.

In her request for reconsideration dated September 13, 2013, the appellant stated that she received \$100 for clothing in September 2012 and \$200 for clothing for her son in May 2013, adding that she was told that the earliest she could receive another clothing supplement was September 2013. She stated that she needed clothing for herself due to her spouse and son getting clothing in May, but the worker denied her request and told her she was not eligible for clothing and needed to use downtown resources. The appellant states that the resources downtown do not have clothing for women, and even when they do the clothing does not fit her. Her son is growing really fast and she has to use food money to get clothes for him.

She further states that she had put \$100 aside to get clothing for herself but had to use this money towards her son's school expenses because she had to use the school start-up fee to purchase clothes for him, along with school supplies, school fees, an arts program, and school lunch program. As a result, the appellant was unable to get clothes for herself. She accessed resources downtown but they either did not have women's clothes or the sizes were too big or too small, and she would have to pay for thrift shop clothing.

The appellant adds that she only has three pairs of pants that fit, and these are getting loose around the waist or have holes in the leg area. She has to wear one pair for 2-3 weeks at a time before she is able to change them. She cannot take money out of her support to get clothes because she and her spouse would then end up going hungry with no food for a month or two.

In her Notice of Appeal dated October 5, 2013, the appellant states that she received \$100 for clothing in September 2012 and \$200 in May 2013, and was told that the next time she would be able to receive money for clothing would be September or October 2013. She adds that she has always received the supplement for clothing in March, April or May, and again in September or October. She

states that the cost of food and clothing have gone up, but the cheque that she receives has not gone up.

In her written submission dated October 25, 2013, the appellant states that her ten year old son grows out of his clothes every couple of months just like any other child, and every cheque or any money that she or her spouse receives is used for food and the school lunch program every month. She states that they have gone to a lot of places in the downtown area to get food and clothing for the three of them. Right now, her spouse has approximately four pairs of pants, and she has approximately four pairs of pants for herself. However, their pants are getting old and wearing away from being worn so much.

The lunch program at her son's school costs \$70 per month and she does not get extra money for this. The price of food has gone up over the years but support money has not gone up to cover the cost of food. There are times when she and her spouse have to go hungry in order to feed her son and get him some clothes. The appellant's spouse is unable to work even part-time due to health problems, and a lot of employers will not hire someone his age.

Over the years the appellant has received a clothing supplement in March-May and then again in September-October. She tries her best to have money for clothing for her son and to get a few pants for her spouse and herself. Although she receives the school start-up every year for her son, it does not cover the whole school year. The appellant uses the support money for bills and to get groceries for the month and spends the family bonus on food. But with the cost of food going up all the time, they get less food and do not get any extra support to cover the cost of food.

The panel finds that the information provided by the appellant in her Notice of Appeal and written submission relates to her economic situation and need for clothing, and her efforts to access other resources. Therefore, in accordance with section 22(4)(b) of the *Employment and Assistance Act*, the panel admits that information as evidence that is in support of the evidence the ministry had at reconsideration.

The panel makes the following findings of fact:

- the appellant receives disability assistance, and her September shelter and hydro payments were paid by the ministry;
- the appellant's son outgrows his clothing quickly and she has a number of other expenses including food and the school lunch program;
- the appellant applied for the crisis clothing supplement on September 11, 2013;
- she received crisis supplements for clothing in March 2012, September 2012, and May 2013; and a school start-up allowance in August 2013; and
- she looked into community clothing resources including downtown resources and thrift shops.

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PART F – Reasons for Panel Decision

The issue to be decided is the reasonableness of the ministry's reconsideration decision dated September 26, 2013, which held that the appellant is not eligible for a crisis supplement to purchase clothing pursuant to section 57 of the EAPWDR because the appellant did not provide information to establish that:

- she requires the clothing supplement to meet an unexpected expense or obtain an item that is unexpectedly needed;
- she does not have any resources available to meet the clothing expense or obtain the item: and
- failure to meet the clothing expense or obtain the item will result in imminent danger to her physical health.

The following sections of the legislation apply to the appellant's circumstances in this appeal::

EAPWDA Income assistance and supplements:

Section 5 states that: *Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.*

EAPWDR Crisis supplement:

Pursuant to section 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, 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.

Ministry's Position

The ministry's position is that the appellant did not meet any of the requirements for a crisis supplement for clothing in section 57(1) of the EAWPDR as follows:

- the appellant did not provide information that the need for clothing was unexpected or that it was an unexpected expense as required by section 57(1)(a). The ministry found that the need for new clothes was not unexpected because regular wear of clothing is a gradual event that occurs over a period of time;
- the appellant did not demonstrate that she lacked resources to purchase clothing as required by section 57(1)(a) because she receives monthly income assistance and family bonus payments which are provided as a resource to meet basic ongoing needs such as clothing. The ministry noted that the appellant received her September cheque for \$674.56 and \$150 on August 28, 2013, and her shelter and hydro payments were made by the ministry. In addition, the appellant received the school start-up supplement for her son in August 2013;
- the appellant did not provide any information to establish that failure to meet the clothing expense or obtain clothing items would result in imminent danger to her physical health as set out in section 57(1)(b)(i) of the regulation.

In addition, the ministry notes in its reconsideration decision that under section 57(4) of the regulation, a crisis supplement provided for clothing must not exceed \$100 for each person in the family unit in the 12 month calendar period preceding the date of application for the crisis supplement.

Appellant's Position

The appellant's position is that she has many other expenses including groceries, bills, and her son's school lunch program, and the cost of food and clothing keeps going up but her support and family bonus income does not. Her spouse is unable to work due to medical reasons, and a lot of employers will not hire someone his age. She and her spouse need pants as the few that they have are wearing out. The money she put away to get clothes for herself went to clothing for her son, along with school supplies and fees, and the school lunch program for September.

Her son is growing fast and outgrows some of his clothing every couple of months. She looked into resources downtown but they either did not have women's clothes or the sizes they had did not fit her, and she would have to pay for thrift store clothing. She expected to be eligible for the clothing supplement in September-October because she had received the supplement each year in the spring and the fall and was told that the earliest she could get it again was September of this year. She and

her spouse sometimes go hungry in order to feed her son and get him some clothes.

Panel Decision

The panel finds that the ministry reasonably determined that the appellant's need for clothing was not unexpected because the appellant's statements indicate that her need for clothing is due to gradual wear and tear and because of her son's normal growth. The appellant explained that her and her spouse's pants are getting old and wearing away from being worn so often, and that her pants are getting loose and have holes in the leg area. She added that her son outgrows some of his clothing every couple of months just like any other child. Based on this evidence, the panel cannot find that the ministry was unreasonable in determining that the appellant's need to obtain clothing was not unexpected as required by section 57(1)(a) of the regulation.

The panel also finds that the ministry reasonably determined that the appellant did not meet the lack of resources criterion pursuant to section 57(1)(a). While the panel accepts the appellant's evidence that she has many other expenses including food and school fees, and that she tried to find clothing at community resources and thrift shops, the evidence indicates that the appellant receives monthly support and family bonus payments to meet her ongoing living expenses. She also had her September shelter and hydro paid by the ministry, and she received a school start-up allowance in August 2012.

In any event, section 57(4)(c)(i) of the regulation limits the amount of clothing crisis supplements that the appellant's family can receive, with a \$100 per family member maximum in the 12 months preceding the crisis supplement application. The ministry noted that the appellant had already received three clothing crisis supplements between March 2012 and May 2013, and the appellant also indicated that she received a \$100 supplement in September 2012 and \$200 in May 2013.

The evidence indicates that the supplements received total \$300 in the calendar year preceding the appellant's September 2013 clothing supplement application. This is the maximum amount that the appellant and her family are eligible for under section 57(4)(c)(i). Although the appellant states in her Notice of Appeal that the ministry told her that the next time she would be able to receive money for clothing was September or October 2013 and that over the years she has received clothing supplements in March-May and again in September-October, there is nothing in the legislation that authorizes the ministry to automatically provide the supplement twice a year.

The panel further finds that the ministry reasonably determined that the appellant does not meet the criterion for the crisis supplement under section 57(1)(b)(i) of the EAPWDR because the ministry reasonably found that the appellant provided no evidence of imminent danger to her physical health if she did not receive the crisis supplement to meet the expense or obtain clothing items. The evidence in the appellant's Request for Reconsideration, Notice of Appeal and written submission do not address any circumstances relating to danger to physical health if clothing items are not obtained. While the appellant states that there are times where she and her spouse go hungry so that she can provide food and clothing for her son, this evidence falls short of describing imminent danger to physical health.

In conclusion, the panel finds that the ministry's decision denying the appellant's request for a crisis supplement for clothing was reasonably supported by the evidence and was a reasonable application of the applicable legislation in the appellant's circumstances. The panel thus confirms the ministry's reconsideration decision.