



PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the ministry) dated 04 November 2013 that denied the appellant's request for a crisis supplement for winter clothing for herself and her dependent children because her request did not meet the three required criteria set out in section 57 of the Employment and Assistance for Persons with Disabilities Regulation. The appellant had moved and in the process had left winter clothing behind. The ministry was not satisfied that:

- the appellant requires a crisis supplement to meet an unexpected clothing need – her move was planned,
- she has no resources in the community or that the clothing items she already owned are not sufficient to meet her immediate needs, and
- failure to provide the clothing will result in imminent danger to the appellant's health or removal of her children by the Ministry of Children and Family Development.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), Section 57



PART E – Summary of Facts

With the consent of the parties, the hearing was conducted in writing pursuant to section 22(3)(b) of the *Employment and Assistance Act*.

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

1. From the ministry's files:

- The appellant is a recipient of disability assistance with two dependent children.
- The appellant contacted the ministry on 03 and 07 October 2013 to discuss her upcoming move from the City A to City B, some distance away. She planned to live in a friend's basement suite and look after her friend's grandchild. She was also moving for her mental health and that of her daughters, as they were being bullied at school and they would have better schooling. She had indicated that she may place some items in storage.
- The appellant requested a moving supplement; that request was denied. The appellant did not appeal that decision.
- She moved from City A to City B in late October 2013.
- The appellant requested a crisis supplement for clothing and was denied on October 30.

2. The appellant's Request for Reconsideration dated 30 October 2013. The appellant writes:
"We moved from [City A] to [City B] to flee my abusive relationship. With the help of family and friends to quickly move us, we had to leave most of our belongings behind. We do not have adequate clothing for the cold temperature here. My girls don't have jackets, socks or proper footwear and are going to school unprepared. They don't have gym shoes or sweaters. I myself am in the same position. We tried the free resources here but haven't found anything."

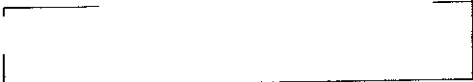
In her Notice of Appeal dated 10 November 2013, the appellant writes:

"Moving from [City A] to [City B], we didn't anticipate how cold it would be already. We didn't own warm clothes, coats, boots for snow and extreme temperatures. Because I was denied moving money, most of what we had was left behind as we had limited room in friend's vehicle."

In the appellant's submission on appeal, dated 02 December 2013, she writes:

"Issue: I have been here for a month and yes I did plan to move here. During the move things didn't go as planned. Could not get a moving truck. I got a ride up here from a friend in a car and paid for the gas. Left most of our stuff down there. I also paid for my carpets to get cleaned, which cost me \$170 and did not get any of my damage deposit back. I was planning on using for moving expense, which is why I had to use my support for moving. Since I have been here I have been working hard at finding employment and using all my resources. While I have been here I completed my [course] for employment purposes. I even started to volunteer @ [charitable organization] in exchange for free things, clothing and such. It is difficult for me to find proper boots because my feet are wide. I managed to find jackets for the girls. Still needing boots for all of us and a jacket for myself. The clothes and footwear we do have is insufficient for the temperature here."

In an e-mail dated 05 December 2013, the ministry stated that its submission in this matter will be the reconsideration summary.



The panel notes that the ministry was given the opportunity to state a position on the admissibility of the new information provided by the appellant at appeal and made no objection. The panel finds that the new information provided by the appellant in her Notice of Appeal and in her submission on appeal is in support of the evidence before the ministry at reconsideration, providing further background to her move and clarifying her request for clothing items. The panel therefore admits this evidence pursuant to Section 22(4)(b) of the *Employment and Assistance Act*.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry decision to deny the appellant's request for a crisis supplement for winter clothing under section 57 of the EAPWDR was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant. In particular, the issue is whether the ministry reasonably determined that the information provided did not establish that

- the appellant requires a crisis supplement to meet an unexpected clothing need – her move was planned,
- she has no resources in the community or that the clothing items she already owned are not sufficient to meet her immediate needs, and
- failure to provide the clothing will result in imminent danger to the appellant's health or removal of her children by the Ministry of Children and Family Development.

The relevant legislation is from the EAPWDR:

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*.

(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:

(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.

The panel will consider each party's position on the criteria at issue in this appeal.

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Unexpected expense or unexpected need

The position of the ministry is that the appellant's move was planned.

The appellant's position is that, while her move was planned, the weather in City B is much colder than she expected and that during the course of the move she encountered a number of unexpected financial setbacks, including the denial of a moving supplement, having to have her carpets cleaned, her damage deposit not being returned and the unavailability of a moving truck.

Panel findings

The panel notes that the starting point for consideration of eligibility for a crisis supplement is whether the request is required to meet an unexpected expense or to obtain an item unexpectedly needed. The panel considers it a matter of common knowledge that the weather in that part of BC where City B is located is much colder, with more snow, than the more temperate weather conditions prevailing in City A and its environs. Accordingly, and as the appellant acknowledges that her move was planned, it is difficult to consider the need for proper winter clothing and footwear for the appellant and her children in their new location to be "unexpected." Further, this criterion addresses only an unexpected expense or unexpected need: the legislation does not provide for assistance to cover unexpected financial circumstances, as suggested by the appellant. The panel therefore finds that the ministry was reasonable in determining that this criterion had not been met.

No resources available

The position of the ministry is that the appellant has not provided the information necessary to establish that she has no resources in the community or that the clothing items she already owned are not sufficient to meet her immediate needs.

The appellant's position is that she has been able to draw on community resources to obtain much of what she needs but has not been able to obtain boots for herself and her children and a jacket for herself.

Panel findings

The panel notes that the appellant's success in being able draw on community resources to obtain some of what she needs demonstrates that community resources are available. No information has been provided that would suggest that the community resources available to meet her further needs have been exhausted. The panel therefore finds that the ministry was reasonable in determining that this criterion had not been met.

Imminent danger to physical health or removal of a child

The position of the ministry is that the appellant has not provided the information necessary to establish that failure to provide the clothing will result in imminent danger to the appellant's health or removal of her children by the Ministry of Children and Family Development.



The appellant did not provide any evidence or advance any argument with respect to this criterion, except to note that she and her daughters did not have the clothing or footwear necessary for snow and extreme temperatures.

Panel findings

The panel acknowledges that for the appellant and her children to venture outside in cold weather conditions with inadequate winter clothing and footwear might very well pose a risk to their health and safety. However, no information has been provided regarding any medical conditions or their living situation that would raise this risk to the level of "imminent danger to physical health." No information has been provided as to any involvement by, or concerns of, the Ministry of Children and Family Development. The panel therefore finds that the ministry was reasonable in determining that this criterion had not been met.

Conclusion

On the basis of the foregoing, the panel finds that the ministry's decision to deny the appellant the requested crisis supplement was a reasonable application of the legislation in the circumstances of the appellant. The panel therefore confirms the ministry's decision.