

### PART C – Decision under Appeal

The appellant appeals the reconsideration decision of the Ministry of Social Development and Social Innovation (ministry) dated December 13, 2013, in which the ministry denied her request for a crisis supplement for food on the basis that the appellant did not meet all the required criteria set out in section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR). The ministry determined that the appellant met the requirement that the loss of money she experienced was an unexpected expense (the requirement of subs. 57(1)(a) of the EAPWDR). However, the ministry determined that the appellant had not exhausted all her resources (as further required by subs. 57(1)(a)), and that she had not established that failure to meet the requested expense would result in imminent danger to the appellant's physical health (as required by subs. 57(1)(b)(i)).

### PART D – Relevant Legislation

*Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) section 57(1).

## PART E – Summary of Facts

The panel waited 15 minutes to begin the hearing, but the appellant did not attend the hearing. The panel received confirmation from the Tribunal that the appellant had been notified of the date, time and location of the hearing. Accordingly, under s. 86(b) of the *Employment Assistance Regulation*, the panel heard the appeal in the appellant's absence.

The appellant has been designated a person with disabilities and receives monthly disability assistance. The information before the ministry at reconsideration included a copy of a request for access to records under the *Freedom of Information and Protection of Privacy Act* for the police department of the appellant's city dated November 2, 2013 and signed by the appellant. On the form, the appellant indicates the details of requested information as follows: "... I kept my money in my pocket thinking my purse would be attacked only. I ended up losing my jacket that is waterproof with black and mostly red. This happened at [a fast food restaurant downtown]. I spilled my drink on my pants and shirt then I rushed to the bathroom when I returned my jacket was gone approximately \$430.00 went receipts and napkins. I did not report this right away due to fear that has been put into me." The ministry also had before it at reconsideration a copy of its file notes on the appellant. The notes indicate that on December 2, 2013 at 10:21 a.m., the appellant called the ministry and requested a crisis supplement for food, stating that money was stolen with her jacket from a fast food restaurant. The ministry's notes indicate that the ministry worker advised the appellant "to utilize community resources first and call back. [The appellant] states will submit police report." The next ministry note for 1:20 p.m. on the same date indicates, "request denied as [the appellant] has not exhausted all resources – community resources not exhausted. At next contact please advise of decision and offer [request to reconsider]." The ministry note for December 3, 2013 indicates another call from the appellant requesting a crisis supplement for food, that the appellant "states dropped off police report stating she had been robbed. Review of files shows [the appellant] has \$60 mid [month] in office ready for [pick up]" and that the appellant was advised of this. The ministry note for December 4, 2013 indicates that the appellant was asking when she should come to the ministry office as she was told to come in before 1 p.m. as she "wanted to discuss in person" and the ministry advised the appellant "she should go by the info she was given in the office." The ministry's note for December 10, 2013 indicates that the ministry received the appellant's request for reconsideration December 6, 2013 and the date the reconsideration was due.

In the appellant's submission with her request for reconsideration she wrote that she lost "approximately \$430.00" of her income assistance, that she had provided the ministry office with a police report to let the ministry know what happened to her money. She also stated in her submission that "the resources that [I] have been referred to require [me] to be a street people. There are postings in those places for more victims in the areas I have been sent to verbally." In her notice of appeal, the appellant wrote, "criterion has been used 3 times to disapprove my emergency needs for being victimized within the city limits. I want to be transferred out of [the city in which she lives] and the surrounding area immediately."

At the hearing, the ministry confirmed that when a client requests a crisis supplement, the worker will refer the client to a list of community resources in his or her area; if the client comes into the ministry office, the information is provided in a pamphlet, otherwise the worker would provide information over the phone. The ministry does not ask clients for proof of the community resources that the client uses – only a declaration. The ministry representative confirmed that in the area where the appellant lives, there are several community resources which will provide food to persons who are on assistance and the resources do not require the person to be homeless. The ministry confirmed the appellant received a \$60 mid-month assistance benefit payment in December 2013.

The panel makes the following findings of fact:

- The appellant is a person with disabilities who receives monthly disability assistance;
- In December 2013, the appellant received a \$60 mid-month benefit payment.

## PART F – Reasons for Panel Decision

The issue on this appeal is whether the ministry's decision to deny the appellant's request for a crisis supplement for food on the basis that she did not meet the criteria set out in section 57(1) of the *EAPWDR* is reasonable.

The criteria to be applied by the ministry on a request for a crisis supplement are set out in section 57(1) of the *EAPWDR* as follows, emphasized by the panel:

- (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 ...

The appellant's position is that she meets the eligibility criteria to receive a crisis supplement for food – the appellant says in her submissions with her request for reconsideration that all of the resources the ministry referred her to required her to be homeless, so she does not have resources available to her, meeting the requirement of subs. 57(1)(a). The appellant does not deny that she received the \$60 mid-month benefit in December 2013. The appellant did not make any submissions that failure to obtain money for food would result in imminent danger to her physical health, as required by subs. 57(1)(b)(i).

The ministry says that the appellant does not meet 2 of the 3 legislative criteria under subs. 57(1) for a crisis supplement for food (the ministry found that the loss of the appellant's money was an unexpected expense as required by subs. 57(1)(a)). The ministry says that the appellant has not established that she has no other resources available to her, as required by subs. 57(1)(a). The reconsideration decision states that the appellant has "not provided evidence of accessing alternate resources such as food banks, soup kitchens or other charitable organizations that provide free or inexpensive food." The reconsideration decision also notes that in December 2013, the appellant received \$60 in mid-month assistance benefits to be used for food. As stated in the reconsideration decision, the minister was not satisfied that failure to obtain food, "in addition to food that can be obtained through community resources or food [the appellant] could purchase with the \$60 mid-month benefit" assistance, will result in imminent danger to the appellant's physical health, as required by subs. 57(1)(b)(i).

In order to receive a crisis supplement under section 57 of the *EAPWDR*, an applicant must meet all three of the criteria set out in subs. 57(1) – if the applicant does not meet one of the three criteria, the crisis supplement will not be provided. The panel notes the ministry's evidence at the hearing that it does not require proof from clients of the community resources accessed, but the panel notes that the appellant did not provide *any* information in any of her submissions about the community resources she attempted to access after her money was stolen (even if the resources only provide food to homeless persons) to support her assertion that she met the requirement set out in subs. 57(1)(a) that she had no alternate resources available to her. The panel further notes that the appellant did not provide *any* information in any of her submissions about the impact the lack of food would have on her physical health to demonstrate that she met the requirement set out in subs. 57(1)(b)(i).

The panel finds that the ministry's determination that the appellant did not meet the requirements of subs. 57(1)(a) and 57(1)(b)(i) was reasonable, as there was no evidence from the appellant before the ministry that she had not been able to access community resources for food and that the failure to provide the requested crisis supplement for food would result in imminent danger to her physical health. The panel therefore confirms the ministry's reconsideration decision.