



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry)'s Reconsideration Decision dated February 24, 2014 in which the ministry denied the appellant's request for a crisis supplement to pay an outstanding telephone and internet bill.

The ministry's decision states that the appellant's request does not meet the criteria set out in Section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) in that the outstanding bill is not an unexpected expense or item needed unexpectedly, and there is insufficient information to establish that the appellant has explored all available resources or alternatives to meet the need and that failure to secure the phone line will result in imminent danger to the appellant's 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 and Schedule A

PART E – Summary of Facts

The appellant is designated as a person with disabilities, and is a sole recipient of disability assistance with no dependants. On January 29, 2014 the appellant was advised by the ministry that he was ineligible for the crisis supplement to pay his outstanding telephone and internet bill, and he requested reconsideration of that decision on February 11, 2014.

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

- The appellant's Request for Reconsideration (RFR) dated February 11, 2014 to which the appellant attached a typed letter. He states that he has been unable to pay his phone and internet bill because, "the internet amount owing was attached to my phone bill. This extra amount caused me to go into arrears." He adds that if he does not pay the outstanding \$291.33 he will lose his phone service. The appellant explains that he was born deaf and has never been able to speak and relies on his telephone and teletype system (TTY) in order to communicate with anyone outside of his residence and that loss of the telephone would put him at serious risk. He states that he takes diabetic medication which sometimes makes him forget if he has paid his bills or not.
- A copy of the appellant's outstanding telephone and internet bill, stating that \$362.13 is due February 16, 2014 and that the last payment made was for \$50 on January 9, 2014.

As set out in the reconsideration decision, the ministry states that telephone is an allowable utility for shelter costs, however internet is not. The ministry explains that the appellant's request was denied because the ongoing telephone and internet charges were not unexpected. The ministry calculates that the outstanding amount of \$291 is not a monthly amount but approximately 6 months of outstanding charges. The ministry states that there is insufficient evidence to demonstrate that the appellant has explored the possibility of assistance from family or friends with paying the bill or made a request to the service provider to arrange a suitable payment plan. The ministry concludes that they are not satisfied that failure to secure the telephone line will result in imminent danger to the appellant's health, adding that telephone is an allowable utility, internet is not, and both are not considered essential utilities within the legislation.

In his signed Notice of Appeal the appellant did not provide any additional information or reasons he disagreed with the ministry decision.

The appellant's evidence at the hearing included the following information:

- The appellant stated that because he had entered a three year contract with the service provider, if he cancelled the internet portion of his telephone/internet service he would be charged a \$300 cancellation fee, in addition to the outstanding amount of \$291 on his account. He was unsure when the contract period was expected to expire or be up for renewal.
- The appellant stated that his account with the service provider has been suspended and the internet has been cut off and he has been asked to send the modem back to the company.

The telephone is currently still working.

- The appellant owns the TTY system that he uses to communicate via the telephone line. He purchased the system 16 years ago.
- The appellant stated that he takes medication for type II diabetes twice daily, and for high blood pressure each morning, which causes him to be forgetful about things such as paying his bills.
- The appellant stated that he had wanted to send a message, via fax, to the service provider to arrange a monthly payment plan to resolve the outstanding bill, but he needs to find out the appropriate number to send the fax and then he will do so. Other than the \$50 paid in January, he had not made any additional payments to the account.
- The appellant stated that he does not have any friends or family that can assist him with paying the outstanding bill and he plans to go to a local assistance office where an advocate may be able to help him in communicating and negotiating a payment plan with the service provider.
- The appellant stated that he lives alone and if his telephone was disconnected he would have no way of communicating with anyone outside of his home if he were to have a medical emergency because of his diabetes and high blood pressure.

The ministry relied primarily on its reconsideration decision and confirmed that the appellant is receiving a \$25 allocation for telephone as part of his monthly shelter assistance.



PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's decision to deny the appellant's crisis supplement to pay an outstanding telephone and internet bill, on the basis that his request did not meet the legislated criteria of EAPWDR section 57(1), was reasonably supported by the evidence or was a reasonable application of the applicable legislation in the circumstances of the appellant.

The relevant sections of the legislation are 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*.
- (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.
- (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.

(BC Reg. 13/2003)

Whether the expense is unexpected or whether the request is required to obtain an item unexpectedly needed

The appellant does not address whether the bill was unexpected, but argues that his medication for diabetes and high blood pressure often causes him to be forgetful, particularly with things like paying bills on time.

The ministry's position, as set out in the reconsideration decision, is that the information does not establish that there was an unexpected expense, or that a supplement was required to purchase an item unexpectedly needed. The ministry states that although the appellant says that his diabetes medication sometimes makes him forget to pay a bill, it appears that the outstanding \$291 is the result of the bill accumulating over a course of up to 6 months, and the appellant's payment of \$50 in January demonstrates that he did remember to make a payment to his telephone bill. The ministry adds that 'forgetfulness' as a side effect of the medication would need to be confirmed by the appellant's medical practitioner.

The panel finds that the evidence establishes that the outstanding telephone and internet bill had been accumulating over a period of months; therefore, the panel finds that the ministry's decision, that the appellant's request for a crisis supplement was not for an unexpected expense or to obtain an item unexpectedly needed as required by EAPWDR section 57(1)(a), was reasonable.

Whether resources available

The appellant argues that he does not have access to any resources to meet the expense of his outstanding telephone and internet bill. He has found it difficult to communicate with the service provider in order to arrange a monthly payment schedule and plans to seek the assistance of a local advocate to help him communicate and negotiate with the service provider.

The ministry's position is that the appellant has not demonstrated that he has explored other

resources such as family or friends to assist with the bill, or made contact with the service provider to arrange a payment plan. The ministry also argues that the appellant receives \$25 for telephone, as included in his monthly shelter assistance.

The panel finds that although the appellant has explained that he intends to arrange a monthly payment plan with the service provider and access assistance from an advocate in order to do so, he has not yet made these arrangements; therefore, the panel finds that the ministry reasonably determined that the appellant has not demonstrated that he has no other resources available to him and that the appellant's request did not meet the criteria of EAPWDR section 57(1)(a).

Imminent danger to health

The appellant's position is that because he is deaf and does not speak, he requires his telephone and teletype to communicate with anyone outside his residence, the loss of his telephone line will put him at serious risk in case of emergency due to his diabetes or high blood pressure.

The ministry's position is that they are not satisfied that the loss of the telephone line will result in imminent danger to the appellant's health, adding that telephone is an allowable utility, internet is not, and both are not considered essential utilities within the legislation.

The panel acknowledges that the appellant's inability to communicate with anyone outside his residence does put him at risk in case of an emergency; however, the panel finds that the ministry reasonably interpreted the use of the word "imminent" in Section 57(1)(b)(i) to refer to an immediacy such that the danger to life is likely to happen soon and the appellant's telephone and TTY are still currently connected and working; therefore, the panel finds that the ministry reasonably determined that the appellant's request did not meet the criteria of EAPWDR section 57(1)(b).

Conclusion

In conclusion, the panel finds that the ministry's decision to deny the appellant a crisis supplement to pay an outstanding telephone and internet bill because he did not meet the criteria under Section 57(1) of the EAPWDR was reasonably supported by the evidence and a reasonable application of the legislation in the circumstances of the appellant. The panel thus confirms the ministry's decision.