

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) March 20, 2014 reconsideration decision denying the appellant's request for a crisis supplement for clothing because the minister determined that all three eligibility criteria under section 59 of the Employment and Assistance Regulation (EAR) were not met:

- 1) The need for clothing is not unexpected or an unexpected expense: clothing is an ongoing expense and not unexpected; weight gain that gradually occurred over the past 6 months cannot be considered an unexpected event.
- 2) The minister is not satisfied that there are no alternate resources available to the appellant: Monthly support allowance provides for clothing expenses, and the municipality has several used clothing stores that offer free or inexpensive clothing; their stock changes frequently and a second attempt to find appropriate sized clothing is recommended.
- 3) The minister finds that there is insufficient evidence that failure to obtain larger sized clothing will result in imminent danger to the appellant's health.

## PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) section 59.

## PART E – Summary of Facts

In her request for reconsideration dated March 10, 2014 the appellant states that

- Her height is 5'6" and her weight 215 lbs.
- In July 2012 she had back surgery and will be in chronic pain for the rest of her life along with restricted mobility.
- Before surgery she was 180 lbs.
- Her clothes no longer fit.
- She had a number of unexpected costs preventing her from saving money for clothes.
- Her Child Tax Benefit was reduced by Revenue Canada with no warning and no justification from October to December 2013.
- The clutch on her car required repairs and due to restricted mobility she requires her car for accessing services.

Information from the ministry's reconsideration decision summary of facts:

- The appellant is currently receiving income assistance as a PPMB and is a single parent with one child. Her file opened in November 1995.
- On February 19, 2014, the appellant requested a crisis supplement for clothing stating that she had experienced weight gain since October.
- The appellant indicated that she had one pair of pants and some shirts; she had been to two used clothing stores and was unable to obtain clothing. The panel notes that according to information provided by the ministry at the hearing one of these stores provides free clothing.

In her Notice of Appeal dated March 25, 2014 the appellant states that

- She cannot get free clothing from second hand stores.
- She barely survives on what money she gets now and she has no way of saving.

The appellant did not attend the hearing. Upon confirming that the appellant was notified the hearing proceeded in accordance with section 86 (b) of the EAR.

At the hearing the ministry relied on its reconsideration decision and added the following information:

There are 3 societies in town where free clothing can be obtained - these are listed on the Resources Sheet provided by the ministry which is given to all clients. The ministry gave details on how these societies help people who are in need of free clothing.

The 5 local thrift stores are very inexpensive, far more so than the ones in other municipalities.

Child Tax Benefit is a federal program. The federal government always gives notice before making changes to benefits. The 2 main reasons why Child Tax Benefits are temporarily cut back are overpayments from other programs (UI, CPP etc.) or the family unit being temporarily reduced – e.g. because a child may move away.

Pursuant to section 22(4) of the Employment and Assistance Act the panel admits the appellant's statements in her Notice of Appeal and the ministry's Resources Sheet and oral testimony as being in support of the information that was before the ministry at reconsideration.

## PART F – Reasons for Panel Decision

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision denying the appellant's request for a crisis supplement for clothing under section 59 of the EAR; specifically, the ministry determined that the appellant's need for clothing was not unexpected and that gradual weight gain is not an unexpected event; that the appellant's monthly support allowance and free or inexpensive used clothing are available to her; and failure to provide clothing will not result in imminent danger to the appellant's health.

The following section of the EAR applies to this appeal:

### **Crisis supplement**

59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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;
- (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

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Section 59 (1)(a) of the EAR sets out 2 eligibility criteria for a crisis supplement:

- 1) the appellant has to meet an unexpected expense or obtain an item unexpectedly needed; and
- 2) the appellant is unable to meet the expense or obtain the item because she has no resources available.

*Unexpected expense or obtain an item unexpectedly needed:*

The appellant argues that she gained weight, her old clothes no longer fit and as a result she unexpectedly needs larger clothing. Onset and reasons of this weight gain are not clearly stated: in her request for reconsideration the appellant says that after her back surgery in July 2012 her weight increased from 180 to 215 lbs; at her request for a crisis supplement she stated that her weight gain started in October 2013.

The ministry argues that the need for clothing is not unexpected or is not an unexpected expense: clothing is an ongoing expense and not unexpected. Weight gain that gradually occurred over 6 months cannot be considered an unexpected event.

The panel finds that there is not enough evidence that the appellant's weight gain was unexpected: the appellant provided no explanation on how her back surgery led to weight gain or to account for the timeframe of the weight gain. Therefore the panel finds that the appellant's need for larger clothing was not unexpected.

*No resources available to meet the need:*

The appellant's position is that there are no resources available to her to buy clothing because she barely survives on her assistance funds and has no money left to save for clothing. Free clothing is not available to her in second hand stores. Her Child Tax Benefit was temporarily reduced without prior notification, and she had several unexpected expenses: for example, her car which she needs for accessing services due to her restricted mobility required repairs.

The ministry states that it is not satisfied that there are no alternate resources available to the appellant: monthly support allowance provides for clothing expenses, and the municipality has several used clothing stores that offer free or inexpensive clothing; their stock changes frequently and a second attempt to find appropriately sized clothing should be made if the first attempt fails.

The panel finds that there is not enough evidence to support the appellant's argument that she had no money and resources available to acquire larger clothing: the appellant receives a monthly support allowance towards the purchase of clothing. She is aware of where to get free clothing as she visited one of the free stores in the past, and it is reasonable to assume that she received the list of resources provided by the ministry. Furthermore, she provided no details on how car repairs and the temporary reduction of her Child Tax Benefit impacted her financial situation.

Section 59(1)(b)(i) sets out 1 additional eligibility criterion:

*Failure to provide the item will result in imminent danger to the appellant's physical health:*

The appellant did not provide any argument on how failure to obtain larger clothing resulted in imminent danger to her physical health.

The ministry argues that there is insufficient evidence that failure to obtain larger sized clothing will result in imminent danger to the appellant's health.

The panel finds that there is no evidence that the appellant was facing imminent danger to her health as a result of not obtaining larger clothes.

*Conclusion:*

For these reasons the panel finds that the ministry was reasonable in denying the appellant's request for a crisis supplement for clothing in accordance with section 59(1) of the EAR. The ministry's reconsideration decision is confirmed.