

**PART C – Decision under Appeal**

The Decision under appeal is the Ministry of Social Development and Social Innovation, (ministry) Reconsideration Decision, dated March 25, 2014, which denied the appellant a crisis supplement to buy a bed for herself and one of her dependent children. The Ministry determined that the appellant was not eligible for a crisis supplement under sec. 59 of the Employment and Assistance Regulation as the beds were not an unexpected item or expense, there was no evidence of imminent danger to the family's health or the removal of a child from the home by the Ministry of Children and Family Development, (MCFD), and alternative resources may be available to the family to obtain the beds.

**PART D – Relevant Legislation**

**EAR            Employment and Assistance Regulation – Sec 59**

## PART E – Summary of Facts

The evidence before the ministry at reconsideration was that the appellant was a recipient of income assistance, (IA), with three dependent children. In Sept. of 2013 she moved into a new residence. In March of 2014 she applied for a crisis supplement for a mattress for herself and another for one of her children who had outgrown a toddler bed. The appellant provided a prescription note from a doctor indicating she needed an orthopedic mattress for mid-back injury.

In the Request for Reconsideration the appellant stated she has had a back problem from a work injury which is worsened by sleeping on her couch. Her doctor advised her to only sleep on an orthopedic mattress. She has checked thrift stores and they have no such mattresses. In relation to the child bed, one of her children had outgrown her bed and this bed would now be used by her youngest. She could not afford to pay for these items as all her money goes to food, clothing and other essentials for her growing children, she has no ability to save for these items and struggles as a single mother of three to meet all their needs from cheque to cheque. She previously had lost a number of items after a prior landlord had put her belongings outside, including beds.

On March 25, 2014, the Ministry provided its Reconsideration Decision. The appellant appealed, stating the decision had wrong dates and she would explain her situation at the hearing.

The Appellant did not attend at the hearing. After confirming that the Appellant was properly notified of the hearing, the matter proceeded under section 86(b) of the Employment and Assistance Regulation

At the hearing the Ministry relied on the reconsideration decision.

The Ministry stated that the appellant may have been without a bed for several years and there was no explanation from the appellant about what the actual cause of this was. It may have been that she lost it when a prior landlord put her belongings outside. There was no evidence that the need for her bed was unexpected. In relation to the child's bed it was not unexpected as children do outgrow beds. As the client had not provided any evidence of any other unexpected expense the ministry could not find she qualified under this criterion.

In relation to imminent danger to any of the family members or removal of a child from the home, there was no evidence of this. There was a note from a Doctor indicating an injury but nothing to say the impact of the injury.

Regarding alternative resources, the ministry will usually ask a person to check other known charitable resources for such items to see if they can assist. In the area where the appellant lives there are a number of community resources that can be canvassed and there are resources that will provide refurbished beds for free on pick-up or for a delivery charge.

## PART F – Reasons for Panel Decision

The issue to be determined in this appeal is whether the Ministry reasonably determined the Appellant was not eligible for the crisis supplement to purchase beds.

***EMPLOYMENT AND ASSISTANCE REGULATION*****Crisis supplement**

S 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, 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 income 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.

[am. B.C. Reg. 12/2003.]

Sec. 59(1) states the minister may provide a crisis supplement to an eligible person on IA, if the person requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed, is unable to meet the expense or obtain the item because there are no resources available to the family unit, and the minister considers that failure to meet the expense or obtain the item will result in imminent danger to the physical health of the family unit, or removal of a child from the home.

There is no question the Appellant is eligible to claim the supplement as she is currently on IA. However, the ministry states the Appellant has not shown this is an unexpected expense or the item is unexpectedly needed, and there is no evidence failing to obtain the beds will result in imminent danger to the physical health of a person in the family unit, or removal of one of the children. The Ministry also says there are other resources available to obtain the item.

The appellant's materials in the appeal package state she cannot afford to pay for these items and does not receive enough IA to budget and save for such items. She advised that she would explain some of the information in the reconsideration decision was wrong, but she did not attend the hearing and provide an evidence or explanation.

In relation to unexpected item or expense, the panel finds that it cannot be said the expense or need for the items is unexpected. The Appellant has not had a bed for some time. It is not clear from the evidence as to the actual length of time. As the ministry pointed out it could be several years or it could be a few months. In either event it appears reasonable that these expenses would be foreseeable. Again, without further evidence from the appellant that something occurred to make the expense unexpected, the panel determines that the ministry's finding on this criterion was reasonable.

In relation to whether there are other resources available to the appellant to purchase the items, the Appellant's evidence is that she has no savings. The ministry argues some of the IA is meant to cover daily living expenses, such as furniture and points out that there are a number of community resources available to supply such items. There is minimal evidence from the Appellant who advised she looked at some thrift stores, but we do not know what attempts, if any were made by the appellant to use other resources. Without evidence from the appellant that she tried these other resources and was unsuccessful, the panel finds the ministry was reasonable in finding the appellant may have had other resources to pay for the beds.

In relation to imminent danger, there is no evidence in this matter that there is imminent danger to the physical health of the appellant. The appellant says she hurt her back at work and it is getting worse by sleeping on the couch. We have no evidence as to the extent of the problem or that it is causing imminent danger to her health. It is understandable that this matter may not be comfortable, but there is no evidence about imminent danger either. The panel notes that it is not unusual to see some information from a doctor in this type of situation. Without further information from the appellant about the condition and its effect on her the panel finds the decision of the ministry is reasonable on this issue. The panel notes as well there is no evidence that any child would be removed from the home and as such this portion of the reconsideration decision is reasonable.

As the panel finds that the Ministry's decision was reasonable in relation to the requirements under sec. 59, and that the Reconsideration Decision was reasonably supported by the evidence and is a reasonable application of the legislation based on the evidence. As such, the Reconsideration Decision is confirmed. The Appellant is not successful in her appeal.