

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 April 17, 2014 which held that the appellant was not eligible for a crisis supplement for a bed because the ministry determined that the appellant did not meet the eligibility requirements set out in section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically, the ministry held that there is no evidence of an unexpected expense, the appellant utilized alternate resources, and the appellant was not facing imminent danger to his health.

PART D – Relevant Legislation

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

PART E – Summary of Facts

With the consent of both parties the hearing was conducted as a written hearing pursuant to section 22(3)(b) of the *Employment and Assistance Act* (EAA).

The documentary evidence before the ministry at reconsideration included the following:

- ministry records showing that the appellant receives disability assistance as a single person.
- an X-ray report dated August 19, 2011 which states that the appellant's right hip has "... complete circumferential joint space loss, marginal osteophytes, subchondral sclerosis and subchondral cyst formation in keeping with advanced degenerative change." The report also notes that the appellant is experiencing pain associated with this condition.
- a letter from the appellant to the (local) Employment and Income Assistance Office dated February 10, 2014 which informs the ministry that when the appellant moves on February 14, 2014 that he will be in need of a bed, and requesting financial assistance toward the purchase of a new bed. The appellant noted that he has a medical condition which requires a proper bed to sleep on and to rest any flare ups of his condition. Otherwise he is subjected to incredible pain. Attached to the letter are three quotes for beds ranging in price from \$963.17 to \$1276.71.
- a receipt dated February 12, 2014 for the purchase of a bed for a total cost of \$448 showing that the appellant paid the bill by means of a VISA credit card.
- the appellant's request for reconsideration dated April 4, 2014 which states that the appellant moved on February 15, 2014 in order to exercise court ordered parenting time, to be with his daughter, and to move into subsidized housing and better living conditions for the appellant and his daughter. The appellant indicates that he knew that he was moving to a residence without a bed. The rest of the submission went to argument (see Part F below).

The appellant submitted a Notice of Appeal dated April 28, 2014 which stated that the reasons for his appeal are listed in his request for reconsideration of April 4, 2014.

The ministry provided a response dated May 28, 2014 that advised that the ministry would not provide a written submission as it is relying upon the reconsideration decision.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry reasonably denied the appellant's request for a crisis supplement for the purchase of a bed based upon section 57(1) of the EAPWDR because the request was not for an unexpected expense, alternate resources were available, and the appellant was not facing imminent danger to his health. Specifically, the issue is whether the ministry's decision is reasonably supported by the evidence, or is a reasonable application of the legislation in the circumstances of the appellant.

The relevant legislation is the following:

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*.

In his request for reconsideration the appellant stated that he was aware that he would need a bed in moving to his new residence but the high price of beds – both new and used – was completely unexpected. He reported that he had budgeted the costs of his move very well but found that after paying his moving costs he was left with fewer funds than if he had not made the move. The appellant submitted 3 quotes for the price of a new bed and was advised by a ministry worker that he had to find a bed for under \$500. He took a lot of time and effort to search for beds but he was limited in his search because he has serious mobility issues and no internet access. In his letter of March 7, 2014 to the ministry, the appellant reported that after his move he slept on the floor for 3-4 nights and had to go to the Emergency department at the local hospital because of experiencing severe pain. Consequently, he purchased a bed on February 19, 2014 at a cost of \$448.00 using his VISA credit card. The appellant disagrees with the ministry's decision that his request was denied because he was able to purchase a bed with his own resources. He argues that "credit" cannot be considered to be part of one's resources.

At reconsideration the ministry noted that the appellant was aware that he was going to require a bed as a result of his move and therefore this cannot be seen as an unexpected expense. The ministry argues that having purchased the bed on credit means that he utilized resources available to him. Finally, the ministry noted that while it acknowledges the appellant's medical condition, and the need for a supportive bed, that as he now has a bed there is no indication that failure to meet the expense will result in imminent danger to the appellant's health. Accordingly, the ministry concluded that the appellant had not met all of the criteria for a crisis supplement.

Panel Decision

The panel notes that the appellant is not claiming that the need for a bed was unexpected but rather that the high price of beds was unexpected. But the appellant claims to have carefully budgeted for the costs of a move and it is reasonable to expect that this would have included some provision for the purchase of a replacement bed. Moreover, the appellant was able to purchase a bed for under \$500. Accordingly, the panel concluded that the ministry had reasonably determined that the appellant had not demonstrated that the need for the bed was unexpected.

The ministry determined that the appellant had resources available to him because he was able to purchase the bed on credit. But buying on credit simply defers payment and does not demonstrate the possession of needed resources. The appellant is still responsible for the outstanding payment of \$448. Accordingly, the panel concluded that the ministry was not reasonable in claiming that the appellant had demonstrated that he had adequate resources for the purchase of the bed.

The appellant has a serious medical condition which requires that the appellant have a supportive bed to sleep on and to rest any flare ups of the spine or hip. The ministry acknowledges this medical condition. Having to sleep on the floor for 3-4 nights resulted in the appellant experiencing severe pain and having to visit the Emergency department at the local hospital. Nonetheless, the appellant has not specifically claimed that he had been in imminent danger to his health nor has he submitted any documentary evidence that the failure to obtain a bed would have resulted in imminent danger to his health. The only relevant medical record submitted by the appellant is the X-ray report of his right hip conducted on August 19, 2011. Moreover, the ministry has noted that the appellant now has a bed. Accordingly, the panel concluded that the ministry had reasonably concluded that there is no indication that failure to meet the expense would result in imminent danger to the appellant's health.

Having reviewed and considered all of the evidence and the relevant legislation, the panel finds that the ministry's decision that the appellant was not eligible for a crisis supplement for a bed was reasonably supported by the evidence.

The panel therefore confirms the ministry's decision.