

PART C – Decision under Appeal

The decision being appealed is the Ministry of Social Development and Social Innovation (the “Ministry”) April 17, 2014 reconsideration decision in which, in accordance with section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation, the Ministry denied the Appellant a crisis supplement for kitchenware (pots, pans, dishes and cutlery) because it determined that:

- The requested kitchenware items were not an unexpected expense nor were the items unexpectedly needed; and,
- The Appellant had other resources available to obtain these items.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”) Section 57.

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.

For its reconsideration decision, the Ministry had the following evidence:

1. Information from its records that the Appellant is a Person with Disabilities (“PWD”) who is eligible for \$736.42 a month in assistance. This amount includes two dietary supplements for food and vitamins/minerals. The Appellant also receives the annual special transportation subsidy.
2. Information from the Appellant that he has been meeting his food needs by eating out of garbage; he wants to become more independent by cooking for himself and therefore he needs kitchenware.
3. For about 2 years, the Appellant has been living in his current home with a shared kitchen, but he does not have his own kitchenware – pots, pans, dishes and cutlery.
4. The Appellant’s request for reconsideration in which he wrote about various topics, but nothing related to his crisis supplement request, except for the words “kitchen utilities”. He also submitted numerous documents. The Ministry wrote that it had difficulty understanding the hand written, typed and pictorial information that the Appellant provided or how it pertained to the Appellant’s request for a crisis supplement.

The Appellant submitted a notice of appeal dated May 3, 2014; however, the Panel is unable to decipher the reasons the Appellant provided for appealing the Ministry’s reconsideration decision. Also, before the deadline for his written submissions, the Appellant submitted 14 separate groups of documents to the Employment and Assistance Appeal Tribunal (“Tribunal”). The Panel reviewed all of those documents and finds that many of them are illegible or incomprehensible, many are pictures unrelated to this appeal, many have information about the Appellant’s identity and many have information not related to this appeal. The Panel also notes that the Appellant submitted the same documents numerous times, including his notice of appeal and request for reconsideration; however, the Panel finds that there was no new information in support of the evidence that was before the Ministry at reconsideration.

After the deadline for written submissions, the Appellant submitted groups of documents to the Tribunal six separate times. The Panel Chair accepted the first 4 sets of those documents because many of them had already been provided by the Appellant to either the Ministry or the Tribunal. Also, some of the documents had financial information about the Appellant, although they do not relate to the Appellant’s request for a crisis supplement. The Panel Chair did not accept the last 2 sets of documents submitted late because many are illegible or incomprehensible, none have information related to or in support of the Ministry’s reconsideration decision and none have information related to the Appellant’s appeal or his circumstances related to this appeal.

The Ministry provided no comments regarding any of the documents submitted by the Appellant after his notice of appeal was filed. It indicated that it relied on and reaffirmed its reconsideration decision.

Based on its review of all the documents submitted by the Appellant for this appeal, the Panel finds that there is no information in these documents in support of the evidence that was before the Ministry at reconsideration. Therefore, pursuant to section 22(4) of the Employment and Assistance Act, the Panel does not admit any of these documents.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably determined that, in accordance with section 57(1) of the EAPWDR, the Appellant is not eligible for a crisis supplement for kitchenware (pots, pans, dishes and cutlery) because the requested kitchenware items were not an unexpected expense nor were the items unexpectedly needed; and, the Appellant had other resources available to obtain these items.

The following sections of the EAPWDR apply to the Appellant's circumstances in this appeal:
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*.

The Parties' Positions

In its reconsideration decision, the Ministry determined that the Appellant's decision to begin cooking for himself is not an unexpected event since he has been living in his current home with a shared kitchen for about 2 years. Also, the Ministry determined that the need and cost for kitchenware is an expected item of need because kitchenware is required to prepare food regularly.

The Ministry further determined that the Appellant has resources to obtain kitchenware; that is, the \$736.42 per month in assistance the Appellant receives. The Ministry also noted that community resources where the Appellant lives assist with kitchen start up kits. Therefore, the Ministry determined that the Appellant did not meet the requirements in section 57(1) of the EAPWDR.

The Appellant's position is that he needs the crisis supplement because he has no kitchenware, he needs the \$735.42 in assistance for other things and he wants to start cooking for himself, instead of getting food from garbage.

The Panel's Findings and Conclusion

The Ministry may provide a crisis supplement to the Appellant, who is designated as a PWD, if the requirements in section 57 of the EAPWDR are met. The Panel finds that the Appellant provided no information about why kitchenware was an unexpected need or why the cost for the items was an unexpected expense for him after living in the same home with a shared kitchen for about 2 years. The Panel finds that the Ministry reasonably determined that the need and cost for kitchenware is an expected item of need because kitchenware is required to prepare food regularly. The Panel also finds that the Appellant did not provide financial information to demonstrate why the \$736.42 he receives in assistance was not sufficient for him to purchase the requested items or why he was unable to obtain them through community resources. Based on the evidence, the Panel finds that the Ministry reasonably determined that the Appellant did not satisfy the requirements for a crisis supplement in section 57(1) of the EAPWDR. Therefore, the Panel confirms the reconsideration decision.