

PART C – Decision under Appeal

The decision under appeal is the June 19, 2014 reconsideration decision of the Ministry of Social Development and Social Innovation (Ministry) which denied the Appellant's request for a crisis supplement for clothing on the basis that the Appellant did not meet all of the criteria to be eligible for a crisis supplement set out in section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) for the following reasons:

- a) the requested item (undergarments) was not an unexpected need as required under s.57(1)(a);
- b) the Ministry found that the Appellant had resources to meet her expenses for and obtain requested undergarments, so she did not meet the requirement set out in s. 57(1)(a) ; and
- c) the Ministry determined that the failure to provide the requested crisis supplement for undergarments would not result in imminent danger to the appellant's physical health, as required under s.57(1)(b)(i).

PART D – Relevant Legislation

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

PART E – Summary of Facts

The Appellant has been designated a person with disabilities and receives monthly disability assistance as a sole recipient (she does not have any dependent children). The Appellant told the panel that she has an allergy to latex and requires undergarments that do not contain latex.

The information before the Ministry at reconsideration included a copy of the Appellant's request for reconsideration, the date of which is unknown as the date provided appears to be the Appellant's birth date beside her signature. At the hearing, the Appellant and her advocate repeated the submissions she made in her request for reconsideration.

The Appellant stated that in June 2013, she received a crisis supplement for clothing from the Ministry. In July 2013, the Appellant experienced a severe cockroach infestation at her residence that resulted in the destruction of all of her clothing and most of her possessions. The Appellant told the panel that in July 2013 when she requested a crisis supplement to replace her clothing, in particular her undergarments, she was denied the crisis supplement by the Ministry because she had just received a crisis supplement for clothing in June 2013. The Appellant said that the Ministry worker told her to reapply for the crisis supplement for clothing after one year, in June/July 2014. The Appellant told the panel that she has not been able to purchase new undergarments for herself and has been without them for a year. She told the panel she has monthly expenses for a small storage locker for her possessions that were not destroyed by the cockroaches. She also told the panel that she had to pay to put her pet to sleep and although she has tried to find suitable undergarments that are latex-free through community resources, she has been unable to find any for a year. The appellant confirmed she applied for the crisis supplement in June 2014 to replace her undergarments destroyed by the previous year's cockroach infestation.

The Ministry noted that the Appellant had received a crisis supplement for clothing in June 2013. The Ministry also noted that the Appellant's monthly disability assistance provides for the cost of clothing and it is the Appellant's choice how she spends her assistance. The Ministry noted that the Appellant's cost of new undergarments was not unexpected in June 2014 and that the cockroach infestation occurred one year ago (in July 2013). The Ministry also noted that there was no information that failure to provide the Appellant with the latex-free undergarments would result in imminent danger to the Appellant's health.

PART F – Reasons for Panel Decision

The issue to be decided is whether the Ministry's decision to deny the Appellant's request for a crisis supplement for clothing on the basis that she did not meet the criteria set out in section 57(1) of the *EAPWDR* is reasonable.

The criteria to be applied by the Ministry on a request for a crisis supplement are set out in section 57(1) of the *EAPWDR* as follows:

- (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 ...

Parties' Submissions

The Appellant's position is that she meets the eligibility criteria to receive a crisis supplement for clothing in June 2014. The Appellant does not dispute that she received a crisis supplement for clothing in June 2013 and that she initially made a request for a crisis supplement to replace the undergarments destroyed by the cockroach infestation in July 2013. The Appellant argued that her need for the crisis supplement for undergarments was as a result of the unexpected cockroach infestation of July 2013, and that the only reason she waited until June 2014 to request a crisis supplement for the replacement of her latex-free undergarments was because a Ministry worker told her in July 2013 that she was not eligible for another crisis supplement for another year (until June 2014). The Appellant said that she has not been able to find suitable latex-free undergarments through community resources and she estimated the cost of new latex-free undergarments at approximately \$50. The Appellant does not dispute that she pays to rent a storage locker to house her possessions that were not destroyed by cockroaches (she is waiting six months to ensure the cockroaches are not longer infesting her possessions). The Appellant did not make any submissions that failure to obtain money for undergarments would result in imminent danger to her physical health.

The Ministry says that the Appellant does not meet the legislative criteria under subs. 57(1) for a crisis supplement for undergarments. The Ministry says that the Appellant has not established that the expense for replacement of her undergarments lost in the cockroach infestation is an unexpected expense, as required by subs. 57(1)(a), because the infestation occurred in July 2013. The Ministry notes that subs. 57(1)(a) requires that there be no resources available to the Appellant to meet the expense of replacing her undergarments. The Ministry says that the Appellant's monthly disability assistance should cover the cost of replacing her latex-free undergarments and she thus has resources available to her to meet the expense of replacing her undergarments lost in the infestation. The Ministry also noted that the Appellant has not said that failure to pay for the replacement of her latex-free undergarments will result in imminent danger to her physical health as required by subs. 57(1)(b)(i).

Panel's decision

In order to receive a crisis supplement under section 57 of the EAPWDR, an applicant must meet all three of the criteria set out in subs. 57(1) – if the applicant does not meet any one of the three criteria, the crisis supplement will not be provided.

The panel notes that the Ministry provided the Appellant a crisis supplement for clothing in June 2013 and that the cockroach infestation which destroyed the Appellant's clothing, including her latex-free undergarments, occurred in July 2013 – facts which the Appellant does not dispute. The panel notes the Appellant's assertion that she was told by a Ministry worker that she was not eligible to apply for a crisis supplement for replacement of clothing in July 2013 and that she had to wait a year. However, the panel notes that the Appellant was aware that she needed to replace her latex-free undergarments as a result of the cockroach infestation from July 2013 on. Accordingly, the panel finds reasonable the Ministry's determination that the Appellant has not established that the expense of replacing her undergarments in June 2014 as a result of the July 2013 cockroach infestation is an unexpected expense (as required by subs. 57(1)).

The Appellant argued that she was unable to find suitable latex-free undergarments through community services. The panel notes that the Appellant did not dispute that she is using some of her monthly disability assistance to pay for a storage locker for her belongings until they are cockroach free. The panel finds reasonable the Ministry's determination that the Appellant has not established that she does not have resources to cover the cost of replacing her latex-free undergarments (as required by subs. 57(1)).

The panel further notes that the Appellant did not provide *any* information in any of her submissions about the impact the lack of latex-free undergarments would have on her physical health to demonstrate that she met the requirement set out in subs. 57(1)(b)(i) – that lack of latex-free undergarments will result in imminent danger to her health.

The panel finds that the Ministry's determination that the Appellant did not meet the requirements of subs. 57(1)(a) and 57(1)(b)(i) was reasonable, as the expense of the replacement of her latex-free undergarments as a result of a cockroach infestation in July 2013, though unexpected in July 2013, was not unexpected at the time of the application in June 2014, the Appellant did not establish that she did not have resources to pay for the undergarments, and there was no evidence that the failure to provide the requested crisis supplement for the undergarments would result in imminent danger to the health of the Appellant. The panel therefore confirms the Ministry's reconsideration decision.