

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision dated June 11, 2014, which held that the appellant was denied a crisis supplement for a dryer because it was not required to meet an unexpected expense or unexpected item of need, because the ministry was not satisfied the appellant did not have alternate resources available and because there was insufficient information to establish that failure to obtain a dryer will result in imminent danger to the health of the appellant under s. 57(1) of the Employment and Assistance for Persons with Disability Regulation (EAPWDR).

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA) Section 5
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 57

PART E – Summary of Facts

The evidence before the ministry at the reconsideration was as follows:

The appellant is currently receiving disability assistance as a single person and the file was opened in August 1995.

On October 4, 2013, the appellant requested a crisis supplement to purchase a new dryer as the old one had broken. The request was denied. The appellant was offered the opportunity to have the matter reconsidered, but declined.

On May 27, 2014, the appellant made another request for a crisis supplement to purchase a new dryer. This request was denied.

On June 6, 2014, the appellant submitted a request for reconsideration and stated the following

- the appellant has schizophrenia and severe epilepsy. The appellant is physically unable to haul laundry to a laundromat, does not have inside space to hang laundry and can't construct an outside clothesline. The appellant also cannot afford the laundromat or a clothesline.
- creating more humidity in the house will create unsafe, damp conditions and will allow more mold to grow in the house. There is already a problem with black mold in the house.
- a fax from the outreach support worker, dated June 6, 2014 reiterated the above information, and stated that alternatives to a dryer would pose a risk and cause physical harm to the appellant. In October 2013, the outreach support worker's organization exhausted all options for resources when it supplied \$170 for a used dryer. The outreach support worker has no other funding possibilities for the appellant.

On June 20, 2014, the appellant appealed the reconsideration decision and requested that the appeal hearing be held in writing.

In her written submission dated June 27, 2014, the appellant add the following facts:

She exhausted all possible resources available to her when making the purchase of a used dryer in October 2013.

She lives in a rural area and faces higher barriers with transport needs and faces higher costs of living.

She does not have access to a proper anchoring area for a clothesline and in any event, this would only be temporary as she would not be able to hang her clothes to dry past September.

Further mold growth in her house would lead to a significant unsafe environment that would complicate her medical condition.

The panel determined that the additional documentary evidence was admissible under s. 22(4) of the Employment and Assistance Act as it was in support of the records before the minister at the reconsideration and provided more explanations as to the appellant's situation in respect of her need for a dryer.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's decision that the appellant was denied a crisis supplement for a dryer because it was not required to meet an unexpected expense or unexpected item of need, because the ministry was not satisfied the appellant did not have alternate resources available and because there was insufficient information to establish that failure to obtain a dryer would result in imminent danger to the health of the appellant under s. 59(1) of the EAR was either a reasonable application of the legislation or reasonably supported by the evidence.

The applicable legislation for this matter is EAPWDA Section 5 and EAPWDR Section 57(1), as follows:

The BC Employment and Assistance for Persons with Disabilities Act, Section 5 states that, subject to regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

In order to be eligible for a crisis supplement, the appellant must meet the criteria in Section 57(1) of the BC Employment and Assistance for Persons with Disabilities Regulation:

The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship 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 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 the written submission by the appellant, the appellant argued that the breaking of the dryer purchased in October 2013 was an unexpected expense.

The appellant also argues that no resources are available to obtain a new dryer and that all possible resources were used when the last dryer was purchased in October 2013.

Also, the appellant has complex medical issues, which are a barrier to access of a laundromat. As well, use of an inexpensive rope would not work as there is not appropriate anchoring and as of September it will not be able to hang clothes outside. Hanging of clothes inside would create an unsafe level of humidity, which would foster the growth of black mold, which could complicate existing medical issues. She finally argued that she met all the conditions for a crisis supplement under s. 57(1) of the EAPWDR.

In the written submission by the ministry, it argued that the information has not been provided to establish the requirement for a crisis supplement. The ministry took the position that:

- the need for a new dryer is not unexpected and that normal wear and tear over a period of time is an occurrence that may be reasonably expected
- detailed information about the appellant's finances has not been provided to establish that no resources are available
- no information has been provided that indicates that failure to obtain a new dryer will result in imminent danger to the appellant's physical health.

Panel Findings

Regarding the requirement that the purchase of a dryer must meet an unexpected expense or be an unexpectedly needed item, the panel finds that it is expected that a dryer is an item that will require replacement due to normal wear and tear. Therefore, it is reasonable to expect that money must be saved for a replacement. As well, it is reasonably expected that a used dryer could not be expected to last a long time and therefore money should be saved to provide for a new one. Therefore, the panel finds the ministry was reasonable in making the decision that replacement of a dryer is not an unexpected expense.

Regarding the requirement that the appellant must have no resources to obtain a dryer, the panel notes that the appellant has provided no information regarding the financial situation. Therefore, it is reasonable for the ministry to determine there is no evidence that the appellant does not have the resources to obtain a dryer. While the panel accepts the statement of the Outreach Support Worker, that there are no funding possibilities for funding from those services yet in the absence of documentation from the appellant that indicates the appellant's present financial situation, the panel finds that the ministry's determination was reasonable.

Regarding the requirement that failure to obtain an item will result in imminent danger to the appellant's physical health, the panel finds no evidence of an imminent danger. The appellant has provided no information that substantiates that black mold will cause an imminent health problem. Also, the appellant has not provided any documentation that shows that hanging clothes inside the house will increase the amount of black mold and therefore cause an imminent danger to the appellant's health. Therefore, the panel finds the ministry was reasonable in making the decision that no information has been provided that failure to obtain a dryer will result in imminent danger to the appellant's health.

In conclusion, the panel finds the ministry's decision to deny a crisis supplement for the purchase of a dryer, was a reasonably supported by the evidence and confirms the decision.