

PART C – Decision under Appeal

The appellant appeals the reconsideration decision of the Ministry of Social Development and Social Innovation (ministry) dated August 12, 2014, in which the ministry denied her request for a crisis supplement for food on the basis that the appellant did not meet each of the required criteria set out in section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation (EAPWDR)*. Specifically, the ministry determined that:

- (a) the appellant did not require the supplement to meet an unexpected expense or obtain an item unexpectedly needed as required by section 57(1)(a) of the *EAPWDR*; and
- (b) the appellant had not established that failure to meet the requested expense or obtain the item would result in imminent danger to the appellant's physical health as required by section 57(1)(b)(i) of the *EAPWDR*.

PART D – Relevant Legislation

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

PART E – Summary of Facts

Prior to commencing, the ministry requested that an observer attend the hearing. The appellant consented to this request and the hearing proceeded.

The appellant has been designated a person with disabilities and receives monthly disability assistance. The information before the ministry at reconsideration included the appellant's Request for Reconsideration dated July 29, 2014 ("the RFR") which included five pages of written submissions prepared by the appellant and dated July 23, 2014.

In the Reconsideration Decision, the ministry notes that the appellant contacted the ministry on July 16, 2014 seeking a crisis supplement for food because she had to use \$40.00 of her monthly support funds to pay for repairs to her glasses. The Reconsideration Decision further indicates that the ministry issued a crisis supplement for food to the appellant in the previous month also because the appellant had to pay for repairs to her glasses.

In the RFR the appellant disagrees with the ministry's description of the amounts of her monthly shelter and vitamin supplement amounts and she questions how she is able to live on her monthly support payments given the increase in the cost of food and other expenses.

In the written submissions attached to the RFR, the appellant writes that she lost over \$60.00 worth of food when her refrigerator broke down and that she was unable to have her money refunded, as she did not have receipts. She also writes that she was told that she would also not receive the money she spent on the repair to her glasses with the result that she had lost a total of \$100.00. The appellant then described the process that she underwent to have her glasses repaired and she described the difficulty she experienced in trying to live without her glasses including navigating directions. She writes that she just wants the money back that she spent to have her glasses fixed.

At the hearing, the appellant gave evidence that she needed to get her glasses fixed but didn't know she had to ask the ministry for permission prior to having the glasses repaired. The appellant stated further that prior to having her glasses repaired, her refrigerator broke down and she lost \$60.00 worth of food which she could not recover. The appellant stated that she is required to pay an additional \$60.00 of her monthly benefit towards her rent.

In response to questions, the appellant agreed that in mid-July 2014, she requested a crisis supplement from the ministry for food because she had used \$40.00 from her monthly disability benefit to repair her glasses. The appellant was asked if she had previously requested a crisis supplement for food sometime in June 2014 which she received in July 2014 and the appellant stated that the crisis supplement "could have been" provided to her but that she was not sure although she recalled receiving something. The appellant stated that her refrigerator broke sometime in July 2014, after her glasses were broken.

At the hearing, the ministry confirmed that it was relying on the Reconsideration Decision.

In response to questions, the ministry stated that the crisis supplement that was sought by the appellant and which forms the basis of this appeal was for food and that the appellant had already received a crisis supplement for food earlier in July 2014. The ministry further stated that the repairs to the appellant's glasses should have been addressed through her provincial medical coverage.

The appellant gave oral evidence at the hearing of her need to replace her glasses, her refrigerator breaking down and the associated costs which was consistent with the evidence in the RFR. Therefore, the panel is satisfied that the oral evidence of the appellant is admissible as oral testimony in support of the information and records that were before the minister when the decision being appealed was made pursuant to section

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22(4)(b) of the *Employment and Assistance Act*.

PART F – Reasons for Panel Decision

The issue on this appeal is whether the ministry's decision to deny the appellant's request for a crisis supplement for food 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 of the *EAPWDR* as follows:

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*.

(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 disability 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.

Positions of the Parties

In her Notice of Appeal, the appellant writes that she wants the money back that she paid to have her glasses repaired.

The appellant's position is that the reconsideration decision is not reasonable as she did not know that she needed to ask the ministry's permission to have her glasses repaired and as such the money that she otherwise had for food for the month of July 2014 went to repair her glasses. She further argued that when her fridge broke down, she lost \$60.00 worth of food that she could not recover.

In the Reconsideration Decision, the ministry says that the appellant's request for a crisis supplement for food was not due to an unexpected expense or to obtain an item unexpectedly needed and that there is no indication that a failure to meet the need for food will result in imminent danger to her health.

Analysis

In order to receive a crisis supplement under the *EAPWDR*, an applicant must meet the criteria set out in section 57(1). If the applicant does not meet each of the criteria, the crisis supplement will not be provided. Those criteria will be considered in further detail below.

Unexpected Expense or Item Unexpectedly Needed

Section 57(1)(a) of the *EAPWDR* provides in part that the minister may provide a crisis supplement to a family unit that is eligible for disability or hardship assistance if the family unit or person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed.

In the present case, the appellant confirmed that the crisis supplement sought was for food because she had spent \$40.00 of her monthly disability benefit to have her glasses fixed and later, lost \$60.00 worth of food when her refrigerator broke down. While the need to repair her glasses and the loss of food due to her faulty refrigerator may have been unexpected, the crisis supplement sought by the appellant was for food which the ministry determined is not an item that is unexpectedly needed or an unexpected expense.

While it certainly may be that having to repair one's glasses or replace a faulty refrigerator may be unexpected, the crisis supplement at issue in this matter was for food and the panel finds the ministry's determination that food is not an unexpected expense or an item unexpectedly needed to be reasonable.

No Resources Available to Meet the Expense or Obtain the Item

Section 57(1)(a) of the *EAPWDR* further provides that an applicant must satisfy the minister that when requesting a crisis supplement, it is unable to meet the expense or obtain the item because there are no

resources available to the family unit.

The panel notes that the ministry did not address this requirement in the reconsideration decision and no evidence was introduced by the appellant to demonstrate that she had no resources available to meet the expense or obtain the item. As such, the panel makes no finding with respect to this issue.

Imminent Danger to Physical Health

Section 57(1)(b)(i) of the *EAPWDR* provides that the minister must consider that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit.

The appellant did not provide any information in any of her submissions about the impact the lack of food would have on her physical health to demonstrate that she met the requirement set out in section 57(1)(b)(i). The panel finds that the ministry's determination that failure by the appellant to meet the expense or obtain the item would not result in imminent danger to the appellant's physical health was reasonable.

Previous Crisis Supplement for Food Received

Finally, the panel notes the ministry's argument at the hearing that section 57(4)(a) of the *EAPWDR* provides that the maximum amount of a crisis supplement for food that may be provided to each person in the family unit is \$20.00 per calendar month and as the appellant had already received a \$20.00 crisis supplement for food in July 2014, she was not eligible for an additional crisis supplement for food for the month of July 2014.

The panel notes that the ministry did not provide any evidence to support its assertion that the appellant received a crisis supplement for food in July 2014 prior to her request that forms the basis for this appeal. While the appellant's memory is that she received "something" in July 2014, it remains that the ministry's denial of the appellant's request for a crisis supplement for food as set out in the Reconsideration Decision was based on her failure to meet the legislative criteria as set out in section 57(1) and not section 57(4) of the *EAPWDR* and as such the panel makes no finding in respect of this argument.

Conclusion

The panel finds that the ministry's determination that the appellant did not meet the requirements of sections 57(1)(a) and 57(1)(b)(i) was a reasonable application of the applicable enactment in the circumstances of the appellant and the panel therefore confirms the ministry's reconsideration decision.