

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) Reconsideration Decision dated September 15, 2014 which held that the appellant is not eligible for a crisis supplement for a new mattress and box spring, under section 57(1) of the Employment and Assistance for Person With Disabilities Regulation because she did not meet the criteria as set out in the legislation.

The ministry is satisfied that the requested item was required to meet an unexpected expense or to obtain an item unexpectedly needed and that the appellant did not have alternative resources to purchase the item on her own; however, the ministry found that there is insufficient information to establish that failure to obtain a new, thicker mattress and box spring will result in imminent danger to the appellant's physical health.

PART D – Relevant Legislation

Employment And Assistance For Persons With Disabilities Regulation (EAPWDR), Section 57.

PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that she was notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

The evidence before the ministry at reconsideration consisted of:

A Request for Reconsideration dated August 26, 2014 in which the appellant writes that she has received the wrong bed regarding the “Bed Bug Issue” and will not have quality sleep as it is not high enough “No Box Spring” and she is at risk of hurting herself after surgery. The appellant indicated that the bed she had received from the community agency was 12” off the floor and that a big mistake was made with the order.

A copy of an Invoice dated July 30, 2014 and signed by the appellant noted that a queen size bed with pallet base and legs was to be shipped that day to the appellant. Total amount was \$480.

A copy of a prescription note dated July 21, 2014 stated that the appellant needs a new bed, mattress and box spring for medical reasons.

In her Notice of Appeal dated September 18, 2014, the appellant stated that a thick mattress and box spring were prescribed by her family doctor for medical purposes. The appellant added that she has osteo-arthritis and rheumatoid arthritis and on September 11, 2014 had breast cancer surgery and that there would be a risk for her stitches to crack open.

The panel determined the additional information on the appellant’s Notice of Appeal was admissible under section 22(4) of the EAA as it was in support of the record before the minister at reconsideration as it provided particulars about the appellant’s previously identified condition and needs.

No additional evidence was provided by the ministry on appeal. The ministry stood by their reconsideration decision.

Findings of Fact

The appellant is a sole recipient receiving disability assistance.

On July 17, 2014, the appellant requested a queen size bed, frame, bedding and bed bug cover.

On July 21, 2014, the appellant requested a change of suppliers for her bed order due to previous reactions to the former supplier’s bedding.

On July 29, 2014, the appellant’s request was approved by the ministry and a bed was ordered from the preferred supplier.

On August 13, 2014, the appellant advised the ministry that the bed did not meet her need for a thicker mattress and box spring and submitted a doctor’s note which was dated July 21, 2014 stating that the appellant needs a new mattress and box spring for medical reasons.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision to deny the appellant a crisis supplement for a new mattress and box spring, on the basis that she did not meet all the legislated criteria pursuant to section 57(1) of the Employment and Assistance for Persons With Disabilities Regulation, was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Relevant Legislation

EAPWDR Crisis Supplements

- 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 (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.

As the ministry is satisfied that the appellant has met the legislative criterion of; **“an unexpected expense or to obtain an item unexpectedly needed”** and that **she does not have alternate resources to purchase a new mattress and box spring**, the panel will consider the remaining criterion which the ministry has concluded was not met by the appellant.

Imminent Danger to the appellant's physical health

The appellant's position is that she requires a thicker mattress and box spring for medical reasons. The appellant wrote that she has osteo-arthritis and rheumatoid arthritis and on September 11, 2014 had breast cancer surgery and that as her bed is 12" from the floor there would be a risk for her stitches to crack open.

The ministry's position is that the appellant currently has a new bed to sleep on which included a medium support mattress, frame, pallet base to support the mattress and legs and although she may not find the bed to her comfort satisfaction, the minister finds that there is insufficient information to establish that failure to obtain a new, thicker mattress and box spring would result in imminent danger to the appellant's health. The ministry noted that the appellant has a new bed to meet her basic needs. For these reasons, the ministry has determined that the criterion has not been met.

The panel finds that although the appellant states that she requires a thicker mattress and box spring because of her osteo-arthritis and rheumatoid arthritis and the risk for her stitches to crack open from her recent surgery; there was no medical evidence presented to indicate that failure to provide the crisis supplement will result in immediate danger to the appellant's physical health. In fact the physician's evidence, the prescription note, made no mention of a "thick" mattress. It only mentioned a "new bed mattress and box spring". The panel also notes that the need for a new bed was originally reported as a "bed bugs issue" not for "medical" reasons. Therefore, the panel finds that the ministry reasonably determined that the appellant did not meet the legislated requirement that failure to provide the crisis supplement will result in immediate danger to appellant's physical health pursuant to section 57 of the EAPWDR.

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 thicker mattress and box spring was supported by the evidence and therefore confirms the ministry's decision.