



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry) reconsideration decision dated October 30, 2014 which held that the Appellant is not eligible for a crisis supplement for clothing pursuant to section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The Ministry determined that the Appellant’s request for the crisis supplement does not meet three criteria in section 57 of the EAPWDR as the Appellant did not establish that:

1. He requires the supplement to meet an unexpected need or obtain an item unexpectedly needed; and
2. He is unable to meet the expense or obtain the item because there are no resources available; and
3. Failure to meet the expense or obtain the clothing items will result in imminent danger to his physical health, or removal of a child under the *Child, Family and Community Service Act*.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation - section 57

PART E – Summary of Facts

The evidence before the Ministry at reconsideration was:

- The Appellant's Request for Reconsideration dated October 5, 2014; and
- The Ministry's decision summary dated September 10, 2014.

In his Request for Reconsideration, the Appellant explained that his clothing was stolen when he left it alone in his building's laundry room for only as long as it took to use the washroom which is two feet away. It is a new laundry room, and more anti-theft than the other one in his building. His building has two sides and the side he is on has "normal living adults"; whereas, the other side is for "jail release and mental problems". The Appellant stated that he has gone to used clothing places, including two (named) charities, but he cannot wear second hand clothes due to his health conditions including Hepatitis C and MRSA, a "super bug" that causes him an allergic reaction to second hand clothing.

In its decision summary, the Ministry stated that the Appellant is currently receiving disability assistance as a sole recipient. The Ministry reported that the Appellant's clothing had been stolen a year earlier, on the same date in 2013, when he left it unattended while using his accommodation's laundry facilities. The Ministry issued a crisis supplement for clothing on September 5, 2013. Also on that date, the Ministry requested the Appellant's third party administrator to caution him to not leave his laundry unattended as there is a reasonable danger of theft when he does not supervise his clothing while it is being washed.

Subsequent to his Request for Reconsideration, the Appellant submitted a Notice of Appeal dated November 4, 2014 in which he stated that he has gone to used clothing outlets, but it is causing major stress to his health. He has Hepatitis C, bowel cancer, and MRSA which have required hospitalizations, and all of his funds have been used up every month for vitamins and food.

The Appellant stated that he has lost bedding and all clothing (due to the theft of his laundry), and now he has to get "doctor's file letters" for the stress this has caused in his life. It took him five months to invest in runners which cost \$67.52, and he is also in need of underwear, socks, and pants and he does not have money for these.

The panel admits the statements in the Notice of Appeal under section 22(4)(b) of the *Employment and Assistance Act* as written submissions in support of the information and records that were before the Ministry at the time the decision being appealed was made. The panel finds that the submissions relate to the Appellant's need for clothing, availability of resources, and the health effects of not having clothing.

Neither the Appellant nor the Ministry attended the hearing. After establishing that both parties had been notified of the date, time and location of the hearing, the panel proceeded with the hearing under section 86(b) of the Employment and Assistance Regulation.

The panel makes the following findings of fact:

- The Appellant experienced a theft of clothing from his laundry room in September 2013 and September 2014.
- The Appellant has several medical conditions including Hepatitis C and MRSA and uses his disability assistance for vitamins and food, and he recently purchased running shoes.

PART F – Reasons for Panel Decision

The issue to be decided is the reasonableness of the Ministry's reconsideration decision dated October 30, 2014, which held that the Appellant is not eligible for a crisis supplement for clothing pursuant to 57 of the EAPWDR. The Ministry determined that the Appellant's request did not meet the criteria for an unexpected need and a lack of resources to meet the need as required by section 57(1)(a). The Ministry also found that section 57(1)(b) was not met because the Appellant's evidence did not establish that a failure to meet the expense or obtain clothing items will result in imminent danger to his physical health or removal of a child under the *Child, Family and Community Service Act*.

The legislation provides:

EAPWDR Crisis supplement:

Pursuant to section 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, and
 - (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.



Appellant's position

In his Notice of Appeal, the Appellant argued that he has done everything to look for used clothing; that he has no funds due to getting vitamins, food, and new runners; and that the situation is causing him a lot of stress due to his health problems. He argued that he did stay with his clothing in the laundry room and "did not in any way leave (his) clothing alone more than two minutes" while he used the washroom.

In his Request for Reconsideration, the Appellant argued that although he accessed used clothing resources, he cannot wear second hand clothes because they cause him an allergic reaction due to having MRSA which causes a very bad reaction to many things and cannot be treated with antibiotics. Moreover, the negativity and stress from applying for a crisis grant for clothing make him very ill with recurring hospital stays, and he has major health problems from any kind of stress.

Ministry's position

The Ministry argued that the Appellant does not meet the criteria for the crisis supplement under section 57(1)(a) of the EAPWDR because:

1. With regard to an unexpected expense, the Ministry argued that the Appellant's need for clothing is not considered an unexpected event since he experienced the theft of his clothing exactly a year ago under the same circumstances. Moreover, his third party administrator cautioned him to not leave his laundry unattended due to a reasonable danger of theft.
2. With regard to having no resources to meet his need for clothing, the Ministry argued that the Appellant's monthly disability assistance is intended to cover items such as clothing, and he has received two monthly support cheques since the theft on September 5th. The Ministry further argued that many community resources are available in the Appellant's area to offer free or inexpensive clothing to replace the missing items. While the Appellant stated he cannot wear second hand clothing for medical reasons, he provided no confirmation from a physician to verify his condition.
3. The Ministry further argued that there is insufficient information to establish that failure to obtain clothing in addition to clothing he could obtain with his support funds through community resources, will result in imminent danger to the Appellant's physical health or removal of a child, pursuant to section 57(1)(b) of the EAPWDR.

Panel's decision

The panel notes that all criteria in section 57 of the EAPWDR must be met in order for the Ministry to provide a crisis supplement for clothing. The Appellant meets the criterion of being eligible for disability assistance pursuant to section 57(1).

The panel finds that the Ministry reasonably determined that three other criteria are not met:

Section 57(1)(a) - meet an unexpected expense or obtain an item unexpectedly needed:

The panel finds that the Ministry reasonably determined that this criterion is not met. The Appellant submitted that his need for clothing was due to the theft of his laundry; however, the Ministry found that the theft was not unexpected because the Appellant's clothes had been stolen the previous year when he left his laundry unattended. The Appellant submitted that he did stay with his clothes and only left them for a couple of minutes to use the nearby washroom; and that the new laundry room in his building is more theft-proof. However, the evidence is that he nonetheless left his laundry unattended, and he had been cautioned by his third party administrator not to do so. The panel therefore finds that the Ministry reasonably determined that the Appellant's need for a crisis supplement for clothing was not unexpected.

Section 57(1)(a) - unable to meet the expense or obtain the item because there are no resources available to the family unit:

The panel finds that the Ministry reasonably determined that the Appellant did not demonstrate a lack of resources. The evidence is that the Appellant received two support cheques subsequent to the theft and these cheques are intended to cover the cost of clothing. Further, while the Appellant argued that he did access community resources but cannot wear used clothing due to an allergic reaction from having MRSA, he did not provide any information from a physician to verify his condition. The panel finds that it is therefore reasonable for the Ministry to require medical verification of an allergy to used clothing.

Section 57(1)(b) – failure to meet the expense or obtain the item will result in imminent danger to physical health or removal of a child under the Child, Family and Community Service Act:

The panel finds that the Ministry reasonably determined that there is insufficient information to establish that failure to obtain clothing will result in imminent danger to the Appellant's health or removal of a child. With regard to the Appellant's health, he described several medical conditions including MRSA which causes him an allergic reaction to used clothing. He stated that he requires hospitalizations for his health conditions, and that having to ask for a crisis grant for clothing is causing major stress to his health.

The panel notes that none of the Appellant's submissions indicate an imminent danger to his physical health in that there is no evidence that he would face an immediate danger if he did not receive the crisis supplement. The Appellant stated that he now has to get "doctor's file letters to the stress this has caused on (his) life"; however, he has not provided any information from a physician. Further, there is no evidence regarding removal of a child; the Ministry noted that the Appellant receives disability assistance as a sole recipient (no dependants).

Conclusion

The panel finds that the Ministry reasonably determined based on the evidence, that the Appellant is not eligible for a crisis supplement for clothing pursuant to section 57 of the EAPWDR. Accordingly, the panel confirms the Ministry's reconsideration decision.