

## PART C – Decision under Appeal

The appellant appeals the reconsideration decision of the Ministry of Social Development and Social Innovation (ministry) dated October 1, 2014, in which the ministry denied his request for a crisis supplement for a new bed frame on the basis that the appellant did not meet all the required criteria set out in section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR). The ministry determined that the appellant's need for the new bed frame was unexpected (the requirement of subs. 57(1)(a) of the EAPWDR). However, the ministry determined that the appellant had not exhausted all his resources (as further required by subs. 57(1)(a)), and that he had not established that failure to meet the requested expense would result in imminent danger to the appellant's physical health (as required by subs. 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

With the consent of the parties the appeal proceeded as a written hearing, in accordance with section 22(3)(b) of the *Employment and Assistance Act*.

The appellant has been designated a person with disabilities and receives monthly disability assistance.

The information before the ministry at the reconsideration was set out in the ministry's original decision. On October 22, 2013, the appellant requested that the ministry replace his bed because his existing bed was broken. A non-profit furniture service provided a quote of \$220.00 for a new queen bed, bedding package and a set of 6 legs to the ministry on October 24, 2013. The ministry provided the appellant a new bed on November 7, 2013. The appellant requested a new bed frame from the ministry on July 17, 2014 advising the ministry that the bed frame had broken due to the weight of using 2 box springs.

In the appellant's submission with his request for reconsideration, he wrote that due to his disability, he has to add an extra box spring to his bed and, when combined with his weight, the legs of the bed frame can't hold the weight [2 box springs, mattress and body weight of the appellant]. He wrote that he needs a sturdier frame. He also wrote that he "has to get down to the floor rather than up." In his notice of appeal, the appellant wrote that he requires a sturdier frame for his bed because the frame he has can't handle the weight as, due to his disability, the appellant has "to get down to the floor rather than up to the floor."

In its reconsideration decision, the ministry noted that the appellant is a sole recipient of disability assistance, receiving \$906.42 per month (\$375 shelter allowance plus \$531.42 support allowance). The ministry noted in the reconsideration decision that the cost of a new bed frame through the non-profit furniture service (which provided the appellant's bed) is \$48.

## 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 a new bed frame on the basis that he 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, emphasized by the panel:

- (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 ...

The appellant's position is that he needs a crisis supplement for a new bed frame because his disability requires him to sleep with 2 box springs and the combined weight caused the previous bed frame to break. The appellant did not make any submissions that he did not have the resources available to him to purchase a new bed frame, as required by subs. 57(1)(a), and did not make any submissions that failure to obtain the bed frame would result in imminent danger to his physical health, as required by subs. 57(1)(b)(i).

The ministry stands by its reconsideration decision which found that the appellant does not meet 2 of the 3 legislative criteria under subs. 57(1) for a crisis supplement for a new bed frame (the ministry found that the bed frame breaking caused an unexpected need as required by subs. 57(1)(a)). The ministry found that the appellant has not established that he has no other resources available to him, as required by subs. 57(1)(a). It states that a new bed frame from the non-profit furniture service is \$48 and one "could probably [be found] for significantly less 2<sup>nd</sup> hand." The ministry found that the appellant has resources from his disability assistance to plan for this expense and recommended that he contact other social service agencies for a new bed frame. The ministry found that the appellant indicated that it hurts him to get in and out of a lower bed; however, he did not provide any medical information to support that there would be imminent danger to his health if he did not receive a bed frame immediately, as required by subs. 57(1)(b)(i).

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 one of the three criteria, the crisis supplement will not be provided. The panel notes that the appellant did not provide any information in any of his submissions that he lacked the resources to purchase a new bed frame or that he had attempted to access community resources to obtain a new bed frame, to support the requirement set out in subs. 57(1)(a) that he had no alternate resources available to him. The panel further notes that the appellant did not provide any information in any of his submissions about the impact that the lack of a new bed frame would have on his physical health to demonstrate that he met the requirement set out in subs. 57(1)(b)(i).

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 there was no evidence from the appellant before the ministry that he had not been able to access community resources for a new bed frame and that the failure to provide the requested crisis supplement for a new bed frame would result in imminent danger to his physical health. The panel therefore confirms the ministry's reconsideration decision.