

PART C – Decision under Appeal

The decision being appealed is the Ministry of Social Development and Social Innovation (the “Ministry”) September 30, 2014 reconsideration decision in which the Ministry determined that the Appellant did not meet the criteria for a crisis supplement for a new winter jacket under section 57 of the Employment and Assistance for Persons with Disabilities Regulation because the Ministry was not satisfied that:

- The need for a new winter jacket was an unexpected event;
- The Appellant had no other resources available; and,
- Failure to obtain the jacket would 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

With the consent of both parties, the hearing was conducted as a written hearing pursuant to section 22(3)(b) of the Employment and Assistance Act.

For its reconsideration decision, the Ministry had the following evidence:

1. Information from its records that the Appellant:

- Has Persons with Disabilities Designation “PWD”).
- Receives \$531.42 a month in disability support assistance.
- On September 11, 2014 requested a crisis supplement for a new winter jacket because the zipper on his jacket broke.
- Told the Ministry that food costs have increased over the years and he has received no cost of living increase, making it difficult to budget for a new jacket.
- Told the Ministry that he tried to access other resources but had been unable to meet his need.
- Received a crisis supplement for \$50 for a winter jacket in February 2011.

2. Appellant’s September 9, 2014 request for reconsideration in which he wrote that the zipper on his winter jacket broke completely and that this was an unexpected event. He stated that he has budgeted but has ongoing crimes done to him in his housing building. Money was stolen and he had to pay for a new door lock. He wrote that he also has been spending money to leave his building (going on trips) when harassment gets to be too much for him.

3. Appellant’s additional statement titled “Major Crime Operation Ongoing” – his notes about crimes in his building.

In his notice of appeal, the Appellant wrote that he has major safety and health issues. Every cent that he has is budgeted. He also stated that special consideration should be applied due to extensive nerve damage. He has “frozen” coldness in his back as well as his right leg. The Appellant wrote that he also has severe diabetes which he is trying to keep in check. The Appellant also referred to some provincial financial matters.

The Panel notes that there is no information in the reconsideration record or reconsideration decision regarding the Appellant’s health conditions. Therefore, the Panel does not admit the information about the Appellant’s specific health issues, as described in his notice of appeal, because it is not in support of the evidence the Ministry had at reconsideration. Pursuant to section 22(4) of the Employment and Assistance Act, the Panel does admit the Appellant’s statements about major safety and health issues, and how he budgets his money. That information is in support of evidence the Ministry had at reconsideration.

The Panel will consider the Appellant’s statements in his notice of appeal to be his position in this appeal.

The Ministry relied on its reconsideration decision.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably determined that the Appellant did not meet the criteria for a crisis supplement for a new winter jacket under section 57 of the EAPWDR because the Ministry was not satisfied that the Appellant had established that the need for a new winter jacket was an unexpected event, that he had no other resources available and that the failure to obtain the jacket would result in imminent danger to his physical health.

The following sections of the EAPWDR apply to the Appellant's circumstances in this appeal.

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.

The Parties' Positions

The Appellant submitted that he needs a crisis supplement for a new winter coat because:

- The zipper on his existing jacket broke and this was an unexpected event.
- He budgets every cent he has, but food costs have increased. Also he tried other resources.
- He has major safety and health issues.

In its reconsideration decision, the Ministry wrote that:

- It considers a broken zipper to be general wear and tear on a 3 ½ year old jacket and therefore is not an unexpected event;
- The Appellant receives \$531.42 a month in support assistance for basic needs such as food and clothing. Also, the Ministry was not satisfied that the Appellant demonstrated reasonable efforts to access alternate resources such as community charity groups.
- The Appellant requested a crisis supplement for a winter jacket on September 11, 2014 and it made its decision on September 30, 2014. The Appellant lives in a generally warmer region of the province where it is not winter in September and so he can still use his jacket. Therefore, the Ministry was not satisfied that the Appellant physical health was in imminent danger.

The Panel's Findings and Conclusion

The Ministry may provide a crisis supplement for clothing to a person receiving disability assistance, such as the Appellant, provided that all of the requirements in section 57(1) of the EAPWDR are met.

The Panel acknowledges that the Appellant considered his broken zipper to be an unexpected event; however, the Ministry also reasonably determined that a broken zipper can be expected after 3 ½ years of use. Therefore, the Ministry reasonably determined that the Appellant did not meet the first requirement for a crisis supplement.

The Panel also acknowledges that the Appellant is finding it difficult to budget for his basic needs of food and clothing with \$531.42 a month in assistance. The Appellant, however, provided no information about any other resources he tried to access, such as community charities. He stated

only that he tried other resources. Therefore, the Panel finds that the Ministry reasonably determined that the Appellant did not demonstrate that he does not have other resources available for a new jacket.

As for imminent danger to his physical health, the Appellant stated only that he has major safety and health issues. He provided no details about any dangers to his health which a new coat would prevent. Therefore, the Ministry reasonably determined that the Appellant did not satisfy this requirement for a crisis supplement for a new jacket.

Having considered all of the evidence, the Panel finds that the Ministry's reconsideration decision was reasonably supported by the evidence. Therefore, the Panel confirms that decision.