

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the "Ministry") reconsideration decision dated December 3, 2014 which determined that the appellant was not eligible for a crisis supplement for clothing under section 57 of the Employment and Assistance for Persons with Disabilities Regulation ("EAPWDR") because the lack of the clothing did not pose an imminent danger to the appellant's health as required under section 57(1)(b) of the EAPWDR.

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

The evidence before the minister at reconsideration was that the appellant is a sole recipient of disability assistance. She receives \$941.42 monthly assistance and her shelter costs are \$415 a month. She requested a \$100 crisis supplement for clothing to buy a winter coat and boots. At reconsideration the ministry granted the appellant \$50 for winter boots.

In her submission entitled "Crisis Grant Appeal" dated December 17, 2014, and in the submission dated January 5, 2015, the appellant stated she is diabetic and had had recent unexpected medical issues which resulted unexpected medical expenses. She has a compromised immune system and was recently been hospitalized for an emergency medical procedure which resulted in significant weight loss (30-40 pounds). She has foot problems and has undergone fifteen surgeries.

PART F – Reasons for Panel Decision

The issue under appeal is whether the Ministry's reconsideration decision which determined that the appellant was not eligible for a crisis supplement for clothing under section 57 of the Employment and Assistance for Persons with Disabilities Regulation ("EAPWDR") because the lack of the clothing did not pose an imminent danger to the appellant's health as required under section 57(1)(b) of the EAPWDR is a reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Section 57(1) of the EAPWDR:

- (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 argued that she was unexpectedly hospitalized late in 2014 and as a result of the illness she lost 30-40 pounds resulting in a need to replace clothing to ensure she was adequately protected from climatic conditions. This weight loss had rendered her winter coat non-wearable. Due to her multiple medical conditions including diabetes, foot problems, and immune system conditions, she needed to protect herself from climatic conditions and that an ill-fitting winter coat would pose an imminent (defined in the Oxford dictionary as about to happen or impending) threat to her health.

She had been able to purchase foundation garments from community resources but had been unable to find a winter coat from community resources that was the right size and within her budget. She had unexpected expenditures of medications not covered under the medical services plan and had to pay for transportation to a medical facility which left her without the resources to buy these items.

The Ministry agreed that due to recent medical issues and extra unexpected medical expenses, the appellant did not have the resources to meet the need, however, the ministry was not satisfied that failure to replace the coat will result in imminent danger to the appellant's health as wearing a coat that is too big will not cause imminent danger to health. The Ministry further argued that the appellant had time to access community resources to obtain an affordable appropriately sized coat thus determined she does not meet the criteria specified in subsection 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 has lost a significant amount of weight rendering her winter coat too large. Although the appellant's advocate argued that not being adequately protected from climatic conditions would propose an imminent a threat to her health, the panel found that there was no evidence that indicated a coat which was too large would not protect a person from climatic conditions or cause an imminent danger to physical health.

The panel finds that the Ministry's determination that the appellant did not meet the requirements of s.57(1)(b)(i) of the EAPWDR which requires that the crisis grant to be provided only when failure to provide would result in imminent danger to the physical health of any person was a reasonable application of the legislation in the circumstances of the appellant and confirms the Ministry's reconsideration decision.