

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry) reconsideration decision dated December 1, 2014 which denied the appellant's request for a crisis supplement to cover clothing costs under Section 59 of the *Employment and Assistance Regulation* (EAR). The ministry held that the requested clothing items were unexpectedly needed; however, the ministry found that there was insufficient information to establish that:

- alternate resources are unavailable to the family unit to secure clothing; and,
- failure to meet the expense will result in imminent danger to the physical health of any person in the appellant's family unit.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), Section 59

PART E – Summary of Facts

The appellant did not attend the hearing. After confirming that the appellant was notified, the hearing proceeded under Section 86(b) of the *Employment and Assistance Regulation*. The appellant is a single person with Persons with Persistent Multiple Barriers status who was homeless at the time of the application. The ministry confirmed that the appeal package that had been delivered to the appellant, to the care of the ministry, had been picked up.

The evidence before the ministry at the time of the reconsideration decision included the appellant's Request for Reconsideration- Reasons dated November 18, 2014.

In his Request for Reconsideration, the appellant wrote that he was living on the street and was sleeping when some people stole most of his clothes, his body wash and personal hygiene products. When he woke up, many of his personal belongings were in the garbage. Another bag he had stashed was gone and that had most of his underwear. He has nothing to wear and he smells bad and nobody wants him around.

In his Notice of Appeal, the appellant expressed his disagreement with the ministry's reconsideration decision and wrote that people took his clothes and soiled them so that they are unusable.

The ministry relied on its reconsideration decision. At the hearing, the ministry explained that the community in which the appellant resides has several agencies that provide clothing for free or the use of laundry facilities at no cost. At the time of the appellant's request, he would have been given a list of agencies in the community that provide these resources.

PART F – Reasons for Panel Decision

The issue on the appeal is whether the ministry's decision which denied the appellant's request for a crisis supplement to cover clothing costs, as the requirements of Section 59 of the *Employment and Assistance Regulation* (EAR) were not met, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the appellant's circumstances.

Section 59(1) of the EAR sets out the eligibility requirements which are at issue on this appeal for providing the crisis supplement, as follows:

Crisis supplement

- 59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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. . . .

Resources Available

The ministry's position is that information has not been provided to establish that the appellant has no resources available to meet his need for clothing on his own. The ministry stated that there are several community agencies listed in the appellant's area that provide free clothing and/or a clothing voucher for the purchase of clothing. At the hearing, the ministry explained that the appellant would have received this list upon his request for the crisis supplement. The ministry stated that the appellant also received his support of \$235 plus his diet allowance and Christmas supplement totaling \$351.66, and his support is intended as a resource to help meet basic needs such as clothing.

The appellant's position, as set out in his Request for Reconsideration and Notice of Appeal, is that he was living on the street and most of his clothes were stolen and some items were soiled and unusable.

Panel Decision

Section 59 of the EAR sets out that a crisis supplement may be provided when all of the legislative criteria are met, including that the family unit or a person in the family unit is unable to meet the expense or obtain the item because there are no resources available to the family unit. The ministry acknowledged that because some items of the appellant's clothing were stolen, he had an unexpected need for clothing and sundries. However, the ministry also described a number of different agencies in the appellant's community that provide low or no cost clothing as well as laundry facilities at no cost and stated that the appellant would have been given information about these resources which are available to him. The appellant wrote in his Request for Reconsideration and his Notice of Appeal that some of his clothes were stolen and others were soiled and unusable but he does not describe any efforts made to replace or to clean these items prior to approaching the ministry for a crisis supplement. The panel finds that the ministry reasonably determined that the appellant had resources available to him to clean and to replace his clothing items at no cost to him.

The appellant has been a recipient of income assistance for some time, as his file with the ministry re-opened in 2009, and a portion of his income assistance consists of a support allowance to meet his basic needs, including an ongoing budget to replace clothing items. The panel finds that the ministry reasonably determined that the appellant's monthly assistance is intended as a resource to help meet basic needs such as clothing. Therefore, the panel finds that the ministry's conclusion that there was not sufficient information to show that alternate resources are unavailable to the family unit to secure clothing, under Section 59(1)(a) of the EAR, was reasonable.

Imminent Danger to Physical Health

The ministry's position is that the appellant has not provided sufficient information to establish that failure to obtain the requested items of clothing will result in an imminent danger to the appellant's physical health.

The appellant did not directly advance a position that sufficient evidence has been provided to establish that failure to obtain the clothing items will result in imminent danger to his physical health, although he stated in his Request for Reconsideration that he smells bad and nobody wants him around.

Panel Decision

Section 59 of the EAR sets out that a crisis supplement may be provided when all of the legislative criteria are met, including that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit. While the appellant stated that he smells bad and nobody wants him around, he did not provide evidence that going without the stolen clothes or wearing soiled clothing items poses a serious threat to an existing health issue or that a specific medical condition has developed that will result in imminent danger to his physical health. The panel finds that the ministry's conclusion that there is not sufficient information to establish that failure to meet the cost of clothing will result in imminent danger to the physical health of any person in the appellant's family unit, pursuant to Section 59(1)(b) of the EAR, was reasonable.

Conclusion

Section 59 of the EAR stipulates that all of the requirements of the section must be met in order for a person to be provided with a crisis supplement. The panel finds that the ministry's reconsideration decision, which denied the appellant's request for a crisis supplement for the cost of clothing because all of the requirements of Section 59 of the EAR were not met, was reasonably supported by the evidence and the panel confirms the ministry's decision.