

PART C – Decision under Appeal

The Decision under Appeal is the Ministry's Reconsideration Decision, dated Feb. 4, 2015, which denied the Appellant a crisis supplement to buy clothing. The Ministry determined that the Appellant was not eligible for a crisis supplement under sec. 59 of the Employment and Assistance Regulation (EAR) as the clothing was not an unexpected item or expense, there may be alternative resources available to obtain the clothing, and, there was no evidence of imminent danger to the appellant's health if he did not obtain the clothing.

PART D – Relevant Legislation

EAR Employment and Assistance Regulation – Sec 59

PART E – Summary of Facts

BACKGROUND

The evidence before the ministry at reconsideration was as follows:

- The appellant contacted the ministry to request a clothing allowance. He was informed there was no such allowance, but that a crisis supplement may be available if he met the criteria. The appellant advised he had been homeless and did not have much clothing. The Ministry felt no information was provided to suggest he had experienced any unexpected expense or circumstance preventing him from obtaining clothing. The request was denied.
- The appellant filled out a Request for Reconsideration wherein he advised that before he moved to his current city, he had been homeless and when he moved in he had no clothes. After paying room, board and \$20 per month for repayment to the Ministry, he had only \$40 left per month for other expenses. He had no funds to save to buy items like socks, underwear or any other items. He advised he was in dire need of clothing. He had only a pair of jeans, t-shirt, socks and underwear and he must wash and dry his clothes every other day because of this.

RECONSIDERATION DECISION

The Reconsideration Decision noted that the appellant was a single recipient of Income Assistance (“IA”) receiving monthly \$375 for shelter and \$231 in support. The decision states that to qualify for a crisis supplement the appellant must meet all three criteria in Sec. 59(1). First, the item requested must be an unexpected expense or an item unexpectedly needed. Second, no alternate resources are available to the appellant. Thirdly, failing to provide the item would result in imminent danger to the physical health of the appellant.

In relation to an unexpected expense, or obtaining an item unexpectedly needed, the decision found that there was no information provided to establish this. In relation to resources available to the appellant, the decision found there was no information provided to establish other resources were unavailable to the appellant and no information that other community resources had been checked. The decision noted that the monthly IA received is provided as a resource for basic ongoing needs such as clothing. In relation to imminent danger to the appellant’s physical health resulting from failing to provide the clothing, the decision found there was no information provided to establish the failure to obtain the clothing would result in imminent danger to his health. As a result, the ministry denied the reconsideration application.

HEARING

The Appellant gave evidence at the hearing providing further details of his personal situation. He had moved from another province in November of 2013. He lived with a sibling, his only local family, until he had to leave in March of 2014 when he became homeless. In the summer of 2014 he moved into

a shelter where they assisted him in obtaining IA and gave him the clothing he is wearing. He was able to live with his sibling again but had to move out in October and was again homeless. In November and December 2014 he only received \$210 per month IA as he had no shelter to pay for. His sibling was buying a home and once again in January he was able to live with them in the basement. He believes this will work out as he now has his own space and there will be less conflict as he does not deal well with confrontation. He goes through many periods of depression and he believes it is good for him to know that his sibling is there in the house with him. His room and board in total was \$550 per month but his family members were not providing him with as much food as he thought they would. This left him with less than \$60 per month for everything else. And he was still going to the food bank as he was not getting a lot of food at the family member's home.

As he had been on the street everything he owned was in a knapsack. The only clothes he owned, he wore. These had been given to him by the shelter in the summer. Sometimes his sibling might give him pair of socks and he did get some coupons from a charity group with which he bought some boots and a sweater. He wants to work although his doctor has told him he cannot currently work due to his medical condition. He has an application for disability that he needs to complete, but he cannot afford the \$10 bus fare to get to his doctor to fill out the forms. He is suffering from PTSD and depression. He likes to be clean person and it is difficult to get by with only one set of clothes. It is also difficult to get and hold a job with only one set of clothes.

The further details of the appellant's personal situation were not before the reconsideration officer. Section 22(4)(b) of the *Employment and Assistance Act* states that a panel may admit as evidence only the information and records that were before the minister when the decision being appealed was made, and oral or written testimony in support of the information and records that were before the minister when the decision being appealed was made. The panel has determined that this additional evidence is consistent with and in support of the evidence taken in the record of the ministry decision and that it simply elaborates on the details of his situation. As such, the evidence is admitted.

The Ministry relied on the reconsideration decision and stated the Appellant was not eligible for a crisis supplement under sec. 59 of the EAR as this was not an unexpected expense; there was no evidence of imminent or immediate danger to his health, and no evidence that no alternative resources were available to him.

PART F – Reasons for Panel Decision

The issue to be determined is whether the Ministry reasonably determined the Appellant was not eligible for the crisis supplement to purchase clothing under Section 59 of the EAR.

EMPLOYMENT AND ASSISTANCE REGULATION

Crisis supplement

S 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.

The appellant argued that he was obviously in need of more than one set of clothes and it should not take an event such as fire before a person could get some necessary clothing. The ministry argued the appellant did not meet the legislated requirements to qualify for a crisis supplement.

Sec. 59(1) allows the minister to provide a crisis supplement to an eligible person on IA, if the person requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed, is unable to meet the expense or obtain the item because there are no resources available to the family unit, and the minister considers that failure to meet the expense or obtain the item will result in imminent danger to the physical health of the person. There is no question the Appellant is eligible to claim the supplement as he is currently a single recipient on IA.

In relation to unexpected item or expense, the appellant explained that at the time of his request for the crisis supplement his room and board was \$550 per month, which only left him with \$56 a month for other expenses. . He did not expect to be in such a situation paying most of his IA for room and board and not getting much food as part of this arrangement. Unfortunately, this information was not provided in detail to the ministry prior to the appeal. The panel finds that the situation was unexpected in that his room and board cost more than he initially thought. As such, his finances were quite precarious and he did not have the funds to purchase further clothing. This was unexpected and the panel finds that the ministry's determination that the request for clothing is not an unexpected expense was not reasonable.

In relation to whether there are other resources available to the Appellant to obtain the item, as the reconsideration decision pointed out, there was no evidence, at the time of that decision, that other community resources had been checked by the Appellant. As such the ministry could not determine he had met this criterion. But at the hearing the appellant advised that his sibling had helped out and that he was able to obtain some clothing from a local charity. As such, based on the appellant's evidence, there were some other resources available to him and the ministry's finding on this issue is

therefore reasonable.

In relation to imminent danger, there is no evidence in this matter that there is imminent danger to the physical health of the Appellant if he does not obtain this clothing. For example, the need of a winter coat in frigid temperatures. There is no evidence about this matter affecting the physical health of the Appellant. The Appellant states that a person should not have to suffer with only one set of clothes and it is an affront to a person's dignity to have to ask for such help. It is understandable that this matter is uncomfortable and would be difficult for the Appellant. However, there is no evidence showing an imminent danger to the physical health of the Appellant. The ministry is bound to follow the legislation that is in place, as is this tribunal. As such, the panel has determined this finding by the ministry was reasonable.

As the panel finds that the Ministry's decision was reasonable in relation to the requirement under sec. 59 of the EAR of imminent danger to physical health of the appellant, and, that no other resources are available to the Appellant, the panel finds that the Ministry's Reconsideration Decision was and is reasonably supported by the evidence. It is also a reasonable application of the legislation based on the circumstances of the Appellant. As such, the Reconsideration Decision is confirmed. The Appellant is not successful in his appeal.