

PART C – Decision under Appeal

Under appeal is the Ministry of Social Development and Social Innovation's ("the ministry") January 9, 2015 reconsideration decision finding the appellant is not eligible for a crisis supplement for clothing, because the criteria in Employment and Assistance Regulation section 59 (1) (a), an unexpected expense or need for which there are no resources, and (b), imminent danger to physical health, were not met.

PART D – Relevant Legislation

EAR Employment and Assistance Regulation, section 59(1) (a) and (b)

PART E – Summary of Facts

The evidence before the ministry at reconsideration was

- December 16, 2014 *service request crisis supplement* form from the appellant requesting a clothing voucher, stating “Looking for clothing for interview purposes & survival such as jean, socks, undergarment”, that he had no family in BC, and with a note saying as of November 2014 all of his stored possessions including his clothes were auctioned off due to lack of funds to pay storage.
- A copy of an email exchange between the appellant and a storage facility about non-payment and notice the appellant's belongings would be auctioned off if he did not make arrangements with them, on which there is a handwritten note from the appellant saying this is a catastrophe, he lost all his personal possessions including his clothing, that he lives in a moldy old RV and what little he has had to be discarded.
- January 5, 2015 *request for reconsideration* form with sections 1 and 2 completed by the ministry, but without section 3 completed by the appellant, summarizing contact with the appellant, and noting the appellant said his clothing was worn out and has holes, that he requested warm clothing – jeans and a sweater.
- January 3, 2015 *request for reconsideration* form with section 3 completed by the appellant. He said all his personal possessions and clothing were seized and thrown away or auctioned off, and thanked the ministry for assisting while he makes a transition from his former career to one he hopes to successfully perform until retirement.

Upon appeal the appellant submitted a February 1, 2015 *Notice of Appeal* form in which he stated he bought clothes in a thrift shop and other donated used clothing. He now has bugs in his living quarters, has been trying to rid his living quarters of bugs, had to throw out clothing infested with eggs, has done cleaning but bugs still exist.

The panel admits the additional information in the *Notice of Appeal* as per section 22(4) of the Employment and Assistance Act, as being consistent with and in support of the information and records at reconsideration, being a description of his efforts to find other resources for the clothes he needs, but still unable to find any useful clothes.

The ministry's submission is the reconsideration summary provided in the Record of Ministry.

PART F – Reasons for Panel Decision

The issue is the reasonableness of the ministry's reconsideration decision finding the appellant is not eligible for a crisis supplement for clothing, because the criteria in Employment and Assistance Regulation section 59 (1) (a), an unexpected expense or need for which there are no resources, and (b), imminent danger to physical health, were not met.

Relevant Legislation

EMPLOYMENT AND ASSISTANCE REGULATION (excerpt)

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](#).*

Appellant's Position

The appellant argues he is in need of a crisis supplement to purchase clothes to replace the worn out clothes he has and his clothes in storage that were disposed of when he was unable to pay the storage fees. He says he needs some warm garments and clothes suitable for job interviews.

Ministry's Position

The ministry argues the appellant did not meet the legislated criteria for a crisis supplement because his need for replacement clothing was not an unexpected need, that normal wear and tear is not unexpected. The ministry says it is not satisfied failure to receive a crisis supplement for clothing will result in imminent danger to the appellant's physical health, and there is no indication that the appellant does not have the resources to obtain the clothing.

Panel's Decision.

The applicable legislation provides for a crisis supplement in a situation where there is an unexpected need, no resources available, and failure to obtain the item will result in imminent danger to physical health. The panel finds the ministry's position that the appellant's need to replace worn out clothing was not unexpected to be reasonable. The panel finds the fact that the appellant was unable to pay

the storage fees, and lost his stored possessions, to be an indication he did not have the resources to obtain clothing, and therefore concludes the ministry was not reasonable in its determination the appellant had resources available to obtain clothing. However, as no evidence was presented that the appellant's physical health was at risk, the panel finds the ministry to be reasonable in concluding that failure to receive a crisis supplement would not result in imminent danger to the appellant's physical health.

The panel finds the reconsideration decision to be a reasonable application of the applicable enactment in the circumstances of the appellant and confirms the decision.