

PART C – Decision under Appeal

The Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision of 19 February 2015, stating that the minister had determined the appellant was not eligible for a crisis supplement to purchase 4 beds, as the need did not meet two conditions in section 57 of the Employment and Assistance for Persons with Disabilities Regulation; specifically that the need was not unexpected; and that other resources were available.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 57.

PART E – Summary of Facts

The following evidence was before the ministry at the time of reconsideration:

- The appellant receives disability assistance as a single parent with four children.
- Notes from the ministry indicating that:
 - The appellant contacted the ministry on 7 November 2014 indicating a need for new beds for four children, for which she did not have funds, and that the worker referred the appellant to community resources.
 - The appellant discussed the need for beds with a worker on 18 November 2014, stating that the 14 year old beds were worn out. The worker advised the appellant that beds wearing out did not qualify as an ‘unexpected or unforeseen’ event, and therefore denied a crisis supplement.
 - The appellant faxed a letter to the ministry of 25 November explaining the need for beds and requesting a reconsideration of the decision.
- The November 25th letter from the appellant to the ministry describing the ages and health issues of her children and the need for suitable beds. She described the beds as worn out, with springs poking out and with odor due to bedwetting. The appellant stated she was unable to save money to purchase new beds. She said she had followed up on the community resources suggested but that she required either a referral from the ministry or a truck to access some services; and for others she had called and left messages but received no replies.
- Information collected by the ministry that the cost of four single mattresses, including delivery, from resources within the community would be between \$460 and \$532.
- Calculations by the ministry that the appellant had resources of \$1,759 monthly available after shelter costs.

The Ministry did not provide additional evidence for the hearing.

In the notice of appeal the appellant referred to the letter included in the reconsideration decision, and added her opinion her children deserved beds as the ones they had were completely worn out, and neither the appellant nor her family had any way of getting beds.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's determination that the appellant was not eligible for a crisis supplement because she did not meet two of the conditions for eligibility for a crisis supplement in the EAPWDR, sections 57(1)(a) and (b); as the expense could not be considered unexpected; and the appellant did have access to resources to cover the expense was either a reasonable application of the EAPWDR or reasonably supported by the evidence.

Relevant legislation:

EAPWDR Section 57 provides the following:

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, or

(ii) removal of a child under the Child, Family and Community Service Act.

(2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.

(3) A crisis supplement may not be provided for the purpose of obtaining

(a) a supplement described in Schedule C, or

(b) any other health care goods or services.

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:

(a) if for food, the maximum amount that may be provided in a calendar month is \$20 for each person in the family unit,

(b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of

(i) the family unit's actual shelter cost, and

(ii) the maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit, and

(c) if for clothing, the amount that may be provided must not exceed the smaller of

(i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and

(ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.

(5) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).

(6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of disability assistance or hardship assistance that may be provided for the month under Schedule A or Schedule D to a family unit that matches the family unit.

(7) Despite subsection (4) (b) or (5) or both, a crisis supplement may be provided to or for a family unit for the following:

(a) fuel for heating;

(b) fuel for cooking meals;

(c) water;

(d) hydro.

The Panel considered the evidence before the Ministry at the time of reconsideration and the appellant's submission.

The Ministry's position was that the appellant had not satisfied two conditions required for eligibility to

receive a crisis supplement; specifically:

- That wear and tear on mattresses over a period of 14 years was not considered an 'unexpected' expense, and hence did not meet that criterion.
- That the cost of four single mattresses, including delivery, from resources within the community would be between \$460 and \$532 and that the appellant had resources of \$1,759 monthly after payment of rent and hydro, and therefore the appellant had adequate resources.

The ministry agreed that the stated condition of the mattresses (exposed springs and soil) did constitute an imminent danger to the physical health of the appellant's children.

The appellant's position was that she did not have resources to cover the cost of replacement mattresses, that mattresses were not available at the community sources, and that she did not have the means to transport mattresses.

The panel considered the legislation, noting that the EAPWDR section 57(1) requires that a family unit may receive a crisis supplement only if all of three conditions are met:

- That the item or expense is unexpectedly needed; and
- That the family unit does not have resources to meet the expense; and
- That failure to meet the expense will result in imminent danger to the physical health of any person in the family or the removal of a child under the Child Family and Community Services Act.

The panel finds that the ministry's determination that the need for replacement mattresses was not unexpected was reasonable because the ministry stated that mattresses wear out over a long period of time, and the need for new mattresses could reasonably have been anticipated.

The panel finds that the ministry's determination that the appellant had resources to provide for the expense was reasonable because the ministry had established that mattresses, including the cost of delivery, were available to the appellant from a number of sources and that the prices were such that the appellant could have made provision for their cost over a period of time from the resources available to her.

The panel therefore finds that the ministry's decision to deny the application for a crisis supplement was a reasonable application of the applicable enactment in the circumstances of the appellant, and was reasonably supported by the evidence.