

### PART C – Decision under Appeal

The decision under appeal is the reconsideration decision dated March 9, 2015 in which the ministry denied the appellant a crisis supplement to pay her telephone and internet bill because the request did not meet the criteria in the Employment and Assistance Regulations section 59. The legislation requires that the need for a crisis supplement be unexpected, that the person not have the resources available, and that failure to provide the supplement would result in imminent danger to her or her family members' physical health or the removal of a child under the Child, Family and Community Services Act. The ministry found that the appellant's need was not unexpected, that she had the funds to meet the need and that failure to provide the funds would not result in imminent danger to her physical health.

### PART D – Relevant Legislation

Employment and Assistance Act section 4  
Employment and Assistance Regulation section 59.

## PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- A bill for the appellant's home telephone and internet dated January 3, 2015. The outstanding amount is \$238.63 including \$81.02 in current charges and \$157.61 overdue amount.
- A receipt for a prescription the appellant filled on January 18, 2015 for \$31.59.
- A bill for the appellant's home telephone and internet dated February 3, 2015. The outstanding amount is \$284.16 including \$58.13 in current charges and \$226.03 overdue amount.
- A shipping receipt dated November 3, 2014 for \$135.37 for dental and general health related supplies the appellant ordered.
- Three "notice of ministry deposits" for the appellant's monthly support payments. Deposits were \$235.00 on December 24, 2014, \$265.45 on January 21, 2015, and \$310 for her March 2015 support.
- A copy of an email from the appellant dated March 10, 2015 where she writes that the medical items she purchased were unexpected, that she has no alternate resources, and that she needs her home telephone to prevent imminent danger in the case of an emergency. She notes that she receives a different amount of assistance every month. She adds she is a vegan and requires special nutritional supplements because she fasts 2 days per week and that past delays in receiving a ministry decision has caused her personal pressure.

At the hearing the appellant submitted a new piece of evidence in the form of a "notice of ministry deposits" for the appellant's March 25, 2015 support payments. The document confirmed the appellant received \$193.45. The ministry had no objections to this being admitted as evidence. The appellant told the panel that this document is relevant and should be admitted as evidence because it is evidence that her monthly support amounts change from month to month due to deductions. With her Notice of Appeal the appellant submitted her electrical bill dated March 5, 2015 showing an outstanding balance of \$75.26 (\$21.40 current charges, \$46.68 overdue). The panel did not admit these documents as evidence because they do not support or corroborate information that was before the ministry at the time of the reconsideration. The Employment and Assistance Act section 22 (4) allows the panel only to admit as evidence 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 finds that the information in the documents is not in dispute and is not relevant to the reasons why the ministry determined the appellant's request for a crisis supplement was denied.

At the hearing the appellant told the panel that she has some undiagnosed medical conditions that she is treating herself with natural remedies. She ordered some natural health and dental related products in November 2014 as shown on the shipping receipt. She told the panel she needed these dental supplies to maintain dental health because she does not have dental coverage from the ministry nor can she afford to visit a dentist. When she ordered the \$135.37 USD in products she was not sure how she would be able to pay for them on her limited budget. She decided to use the money she normally pays her telephone with to pay for the products and then request a crisis supplement from the ministry because her phone is essential for her safety. She told the panel that she requested the crisis supplement in December 2014 and because the ministry has not approved it, her telephone and internet was disconnected in March 2015. She feels unsafe without a phone because she is concerned she could not call for help if there was a fire in her building. The appellant added that she receives a different amount of support each month making it hard for her to budget.

At the hearing the ministry told the panel that a telephone bill is not an unexpected expense. The appellant receives a bill for a same amount every month. Regarding the natural health items the appellant ordered, these too are not considered an unexpected expense. The appellant made a choice to order these items knowing that the expense would result in other obligations not being met. The ministry added that delinquent amount on her telephone bill has been accumulating in excess of the amount she paid for the health products and that the appellant's telephone bill includes internet services that the ministry considers discretionary although the appellant is free to spend her assistance on internet services if she chooses. The ministry continued that the appellant currently pays more than \$80 per month for phone and internet but could get basic phone service for much less. Regarding the appellant's argument that her assistance amount fluctuates, the ministry explained that the amount she is eligible for does not change from month to month. The different amounts she receives monthly is due to the ministry paying some of her obligations, such as her electric bill, and telephone bill, on her behalf as she requested.

## PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the ministry's decision that the appellant does not qualify for a crisis supplement to pay her telephone bill because the request did not meet the criteria in the Employment and Assistance Regulations section 59. The legislation requires that the need for a crisis supplement be unexpected, that the person not have the resources available, and that failure to provide the supplement would result in imminent danger to her or her family members' physical health or the removal of a child under the Child, Family and Community Services Act. The ministry found that the appellant's need was not unexpected, that she had the funds to meet the need and that failure to provide the funds would not result in imminent danger to her physical health.

The relevant legislation is as follows:

### Employment and Assistance Act section 4

4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

### Employment and Assistance Regulation (EAR) section 59

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](#).

(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;

(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 income 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.

### Arguments of the Parties

The argument of the appellant is that she requires her telephone for her safety and since her account with the telephone company is in arrears, her phone has been disconnected which puts her at risk.

She argues that she couldn't pay her telephone bill at the end of 2014 because she needed to order some natural health products. She argues that the amount her monthly assistance fluctuates making it difficult to budget.

It is the ministry's position that the appellant's request for a crisis supplement does not meet the criteria as set out in EAR section 59 (1) requiring that the need for the supplement be unexpected, that there are no other resources available, and that the failure to meet the need would result in imminent danger to the health of the person/family unit or cause the removal of a child from the home. The ministry argues that the appellant made a choice to order the natural health products knowing the purchase would leave her short of funds for her other obligations. The ministry maintains the need to pay her telephone bill is not unexpected, the appellant had the funds from her monthly assistance to pay for the telephone bill, and that not having a phone will not result in imminent danger to the health of the family unit.

### **Panel Decision and Reasons**

Regarding the requirement that the need be unexpected. The panel considered the appellant's argument that the reason she needs the crisis supplement to pay her phone bill is because she spent the funds usually used to pay her telephone on natural health supplies. The appellant told the panel that when she decided to order the health supplies she knew she would have to request a crisis supplement in order to pay for them. The panel considered the appellant's statements that the health supplies were for general health and dental care and not for an emergency need. The panel finds that the ministry was reasonable to determine that the appellant's need for the requested crisis supplement was not to meet an unexpected expense because telephone/internet is not unexpected, but rather, a regular monthly expense.

Regarding the requirement that failure to obtain the item will result in imminent danger to her health. The panel considered the appellant requested the crisis supplement for her telephone bill although she told the panel that the reason she couldn't pay her telephone bill was because she ordered natural health supplements for general health maintenance. The panel considered the appellant's argument that her safety is at risk without a telephone in case of a fire in the building. The panel finds that the ministry was reasonable to determine that the absence of a telephone does not put the appellant in imminent danger, as there are other telephones in the building that could be used to alert authorities in the case of an emergency.

Regarding the requirement that there be no alternate resources available to obtain the item. The panel considered the appellant's argument that she needed to use the money she normally uses to pay her telephone and internet bill to buy the natural health supplements. The panel considered the ministry's argument that the appellant's telephone bill is more than \$80 per month because she chooses to pay for internet service and that part of the bill is for the period prior to January. The ministry reasoned that the appellant is entitled to spend her discretionary funds where she pleases; however, it is her responsibility to budget her money to ensure her financial obligations are met. The panel considered that the appellant did not make partial payments to her outstanding telephone bill and her current balance outstanding of \$238.63 is more than the cost of her natural health products. The panel finds that the ministry was reasonable to determine that the appellant had the resources to meet the obligation of her telephone bill.

APPEAL #

The panel finds the ministry was reasonable to determine that the appellant does not qualify for a crisis supplement to pay for her telephone bill and internet bill because the legislated criteria was not met as detailed above. The panel finds that the ministry's decision was a reasonable application of the applicable enactment in the circumstances of the appellant and confirms the decision.