

PART C – Decision under Appeal

Under appeal is the Ministry of Social Development and Social Innovation's ("the ministry") March 26, 2015 reconsideration decision that the appellant was not eligible for a crisis supplement for a bed, because the request does not meet the criteria under section 57 of the Employment and Assistance for Persons with Disabilities Regulation. The ministry was not satisfied the appellant's need to purchase a bed was an unexpected expense, nor that the failure to provide the funds for a bed would result in imminent danger to her physical health.

PART D – Relevant Legislation

EAPWDA	Employment and Assistance for Persons with Disabilities Act, section 5
EAPWDR	Employment and Assistance for Persons with Disabilities Regulation, section 57

[]

PART E – Summary of Facts

The evidence before the ministry at reconsideration was

- The appellant is a sole recipient with Persons with Disabilities designation who receives a total of \$941.42 in disability assistance a month, and has rent and utilities costs of \$733.
- The appellant received a \$330 crisis supplement on May 12, 2011 to replace a bed that had given away. At that time the appellant submitted a note from her doctor saying the appellant was morbidly obese.
- On February 3, 2015 the appellant advised the ministry her current bed was worn and was causing health issues, that she had tried unsuccessfully to obtain a bed from community resources. The ministry advised they would approve funds for a bed and required at least two quotes.
- Three estimates for a bed and mattress set, for \$1566.88, \$675 (used), and \$799.
- On March 12, 2015 the ministry denied the request for a bed, advising the appellant did not meet the crisis supplement criteria in that the need to replace the bed was not an unexpected expense.
- Employment and Assistance request for reconsideration, signed by the appellant March 19, 2015, in which the appellant said she suffers from bad arthritis, has difficulty walking, that she needs a bed that will support her back and legs to replace her bed that has a broken frame and worn out mattress. She said all her money is used to run her household. She said she needs a replacement bed for her health, and could get a doctor's note if needed.

Upon appeal the appellant reiterated that her funds are so limited that she cannot afford to buy a bed, that she needs a good bed for her back and legs, that some days she can barely walk.

[]

PART F – Reasons for Panel Decision

The issue is the reasonableness of the ministry's reconsideration decision that the appellant was not eligible for a crisis supplement for a bed, because the request does not meet the criteria under section 57 of the Employment and Assistance for Persons with Disabilities Regulation. The ministry was not satisfied the appellant's need to purchase a bed was an unexpected expense, nor that the failure to provide the funds for a bed would result in imminent danger to her physical health.

Relevant Legislation

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES ACT

Disability assistance and supplements

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

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Crisis supplement

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](#).*

Appellant's Position

The appellant argues the ministry provided funding for a bed in 2011 and she was told at that time she could request a new bed every six years. Her bed is broken and the mattress is worn out and no longer provides the support for her back and legs required to meet the demands of her medical condition.

Ministry's Position

The ministry argues the appellant meets only one of the three criteria set out in section 57 of the EAPWDR necessary to qualify for a crisis supplement. The ministry is satisfied the appellant does not have the resources to purchase a bed, but says the need to replace the bed is not an unexpected expense as the bed would have worn out gradually, not all at once. The ministry further argues it is not satisfied that failure to provide funds to replace the bed would result in imminent danger to the appellant's physical health.

Panel's Decision

The appellant requested funding to replace her worn out bed. Section 57 of the EAPWDR states the minister may provide a crisis supplement if specified conditions are met. The applicable conditions are that the supplement is required to meet an unexpected expense or obtain an item unexpectedly needed, for which there are no resources available to the family unit, and that the minister considers 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.

The ministry acknowledged that no resources to replace the bed are available to the appellant.

The panel concurs with the ministry's contention that the bed could reasonably be expected to wear out over time, and finds the ministry's determination to be reasonable that the replacement of the bed was not an unexpected need.

There being no medical evidence presented, the panel finds the ministry's position it is not satisfied that failure to fund replacement of the bed would result in imminent danger to the appellant's physical health to be reasonable.

The panel finds the ministry's reconsideration decision was a reasonable application of the applicable enactment in the circumstances of the appellant, and confirms the decision.