

PART C – Decision under Appeal

The Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision dated 19 May 2015 determined that the appellant was not eligible for a crisis supplement for food because the appellant did not meet two of the three the criteria set out in s. 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry determined that the information provided did not establish that the crisis supplement was required to meet an unexpected expense or obtain an item unexpectedly needed and that the appellant did not have alternate resources available. The ministry determined that failure to obtain food will result in imminent danger to the physical health of the appellant and thus, he met that criterion.

PART D – Relevant Legislation

EAPWDR, s. 57.

PART E – Summary of Facts

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

- The appellant is a single recipient of persons with disabilities (PWD) benefits.
- On 4 May 2015, the appellant contacted the ministry to request a crisis supplement for food, indicating that he was providing food to his friend who was awaiting assistance and that his friend had given him \$30 to help but that was not sufficient and he had no more funds for food. The appellant also indicated he was unable to attend food banks due to his disability.
- On 5 May 2015, the ministry denied the appellant's request for a crisis supplement.
- In his request for reconsideration dated 15 May 2015, the appellant indicated that \$30 was a mere \$1 per day and that his friend had already been with him for 20 days and also had laundry expenses.

In his Notice of Appeal dated 24 May 2015, the appellant stated he had company drop in unexpectedly and was wondering whether one can live on \$30 for 20 days. He also stated he could not walk properly.

At the hearing the appellant testified that he received a \$20 crisis supplement each month for food but he had not received it during the last 2 months. He indicated his friend was not from that community and had come unannounced and stayed with him for a month and had left by the time of the hearing. He added that his friend did not go to the food bank as the appellant could not remember where it was but indicated he thought it was a couple of blocks from his residence.

The panel determined the additional oral evidence of the appellant was admissible under s. 22(4) of the Employment and Assistance Act as it was in support of the information and records before the minister at reconsideration, corroborating the appellant's evidence regarding his friend's visit and providing more information for not accessing the food bank.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's reconsideration decision that determined the appellant was not eligible for a crisis supplement for food because the request did not meet two of the three criteria set out in s. 57(1) of the EAPWDR was a reasonable application of the legislation or reasonably supported by the evidence. The ministry determined that the information provided did not establish that the crisis supplement was required to meet an unexpected expense or to obtain an item unexpectedly needed and that the appellant did not have alternate resources available.

In order to receive a crisis supplement under s. 57 of the EAPWDR, an applicant must meet all three of the criteria set out in subsection 57(1) – if the applicant does not meet one of the three criteria, the crisis supplement will not be provided. Section 57 of the EAPWDR provides as follows:

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 ...

(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, ...

Unexpected expense:

The appellant argued that it was unexpected for him to have a friend arrive at his home and eat his food and that he had no choice but to accommodate that friend out of his own food supply.

The ministry argued that it was not unexpected that providing food for a friend would reduce the appellant's own food supply and food funds.

Panel's decision:

Despite the fact that it was unexpected for the appellant to have a friend show up at his doorstep and stay for 30 days, s. 57(1)(a) of the EAPWDR states that the crisis supplement must be required to meet an unexpected expense or obtain an item unexpectedly needed. Consequently, the panel finds that it was a reasonable expectation that if the friend were allowed to use the appellant's food, this expense would not be unexpected as the ministry determined. The panel finds the ministry reasonably determined the appellant had not met this eligibility requirement.

Imminent danger to health:

The ministry determined that the appellant had satisfied the legislative condition that failure to meet the expense or obtain the item will result in imminent danger to the appellant's physical health.

No alternate resources available:

The appellant argued that he was entitled to the crisis supplement of \$20 for food every month and had no alternate resources available to him.

The ministry argued that the appellant's monthly disability assistance was intended to be used to meet his day to day expenses, including food and that crisis supplements are not a monthly entitlement but are available when all criteria are met. The appellant chose to use his own resources to purchase food for his friend.

Panel's decision:

The panel notes that the appellant's disability assistance is meant to provide resources for monthly necessary expenses, including food. If a recipient chooses to divert that money for other purposes it does not change the fact that the assistance was provided for those needs. The evidence is that the appellant's friend provided some resources, \$30, to the appellant for this purpose but that according to the appellant, this was not sufficient. Further, the appellant's friend did not access the food bank or any other alternative. Crisis supplements are not an entitlement under the EAPWDR and the ministry is authorized to provide the supplement only when all of the requirements of s. 57 of the EAPWDR are met. Accordingly, the panel finds the ministry reasonably determined that the appellant's monthly assistance was an alternate resource for his daily food expenses and that he had not met this eligibility requirement.

Conclusion:

The panel finds the ministry's decision that the appellant was not eligible for a crisis supplement for food was reasonably supported by the evidence and was a reasonable application of the applicable enactment in the circumstances of the appellant and confirms the reconsideration decision.