

## PART C – Decision under Appeal

The decision under appeal is the reconsideration decision dated June 2, 2015 in which the ministry denied the appellant a \$150 crisis supplement for clothing because the request did not meet the criteria in the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) s. 57(1). 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. In the reconsideration decision the ministry determined the appellant's request did not meet these three criteria. The ministry further determined that the appellant has received the maximum allowed crisis supplement for clothing allowed for the 12-month period as per the EAPWDR s. 57(4)(c).

The ministry further determined the appellant does not qualify for a school start-up supplement because her family unit does not include a dependent child attending school full time as required by the EAPWDR s. 60.1. The ministry determined the appellant does not qualify for a confirmed job supplement because she has not provided information showing she has confirmed employment that would enable her to become independent of assistance as required by the EAPWDR s. 54.1.

## PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 54.1  
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 57  
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 60.1

## PART E – Summary of Facts

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

- An undated letter written by the appellant. The appellant writes that she recently recovered from gangrene in her left foot that persisted for 1 year. The condition necessitated her to discard all of her footwear including socks, boots, and shoes. She adds that she requires new underwear because she has lost 39 pounds so her underwear no longer fit; as well her incontinence has ruined them. She adds she requires back-to-work and school clothing because she is looking for a job.
- An undated letter written by the appellant. The appellant requests that her rent of \$675 be paid by the ministry to prevent her from being evicted and that she used her rent money for taxi fare and to purchase eye drops.
- A notice giving the appellant 10 days to end her tenancy at her rented residence dated March 05, 2015.
- A bank statement in the name of the appellant dated March 9, 2015 showing the appellant's balance was in overdraft by \$149.41
- A notice giving the appellant 1-month to end her tenancy at her rented residence dated March 6, 2015.
- An undated letter written by the appellant listing the groceries she had to purchase to conform to an anti-inflammatory diet as recommended by her doctor.
- An Application for Monthly Nutritional Supplement dated March 3, 2015 recommending a special diet and supplements for the appellant including a notation by the physician that she "lost 60 lbs. in last 3 months"
- Various medical documents (20 pages) including emergency clinic visit records, medical imaging reports, and technical medical results, containing personal test results and medical notes for the appellant.
- 17 various receipts showing the appellant purchased food, eye drops, \$44.84 in clothing, person care items, etc. in the months of February and March 2015.
- 10 pages of general information about various medical conditions that appear to have been printed from the Internet.
- A 13-page letter dated April 23, 2015 written by the appellant addressed to the ministry. The appellant acknowledges the ministry issued a cheque to her landlord for \$375 but requests an additional \$275 be issued to pay the balance of her rent that was missed. She writes:
  - This situation as caused her stress and depression.
  - She is blind, deaf, brain injured, has a compromised immune system, and COPD.
  - Explains she requires eye drops to prevent further blindness
  - She recalls the worker at the ministry telling her to use her rent money to buy eye drops
  - She used her rent money to buy eye drops, school supplies, and work clothes
  - Requires an anti-inflammatory diet
  - The additional cost of medical supplies and specialized diet makes it impossible for her to pay her outstanding rent.

With her Notice of Appeal, the appellant submitted the following documents as evidence. Most of the information contained in these documents was admitted as evidence as per the Employment and Assistance Act section 22 (4). The panel found that the information contained in these documents is in support of evidence that was before the ministry at the time of the reconsideration. The information

provided regarding the appellant's request for diabetic socks was not admitted as evidence. The panel finds this request is new information that was not before the ministry at the time of the reconsideration. The documents presented at the hearing included the following:

- A rent receipt for \$675 dated June 3, 2015
- A household budget for the appellant showing her monthly expenses total \$940 per month
- A 19-page letter dated June 22, 2015 written by the appellant addressed to the ministry. She writes:
  - On March 26, 2015 she was assaulted and, as a result, has severe spinal pain and arthritis.
  - She suffers from many terminal illnesses, many types of blindness, dementia, a brain tumor, COPD, heart conditions, congestive heart failure, heart and lung infections, incontinence, leukemia, bronchitis, intercostal myocitis, chondritis, pneumonia, arthritis, and an immune deficiency condition.
  - She requires underwear so she does not spread e-coli bacteria resulting in imminent danger to her and others
  - Her budget does not allow for her to buy the requested items
  - Her underwear was purchased in 2005 and no longer has elasticity
  - She had a rapid 60 pound weight loss in 2015, partly due to starvation caused by the increase in meat prices, that was unexpected
  - In spring she had so many infectious diseases that she decided to throw out all of her underwear.
  - She left soiled underwear in a bucket for more than a week risking the spread of e-coli bacteria resulting in an imminent risk to her health which was unexpected
  - She requires underwear to fit over her incontinence pads
  - Her old boots no longer fit due to a foot condition
  - She threw away 3 pairs of boots due to the gangrene
  - Due to cracked skin on her feet and diabetes, her doctor recommends she not purchase used footwear or socks
  - The cost of the crisis supplement for her clothing is much less than her visiting the hospital
  - Having no footwear as a diabetic is an imminent danger to her health
  - She cannot find accommodations less expensive than she has now
  - She requires special diabetic socks to maintain blood flow
  - She purchased jeans, sweater, 2 pairs of runners, 2 pairs of slippers at the thrift shop but they had no socks or underwear
  - She is willing to forfeit her clothing November 2015 and 2016 allowances if the ministry approves her for this request of \$200 crisis supplement for clothing
- An undated note written by the appellant. It reads she has a job, she is going to school, her pants fell down in public, and she is starting a rehabilitation society.

At the hearing the appellant told the panel:

- She has tried to find new underwear at local charities but has only found 1 new pair
- She needs special socks for her diabetes
- She has been volunteering with a local charity but expects to be paid once the organization has begun to make a profit
- She is aware she has reached the maximum amount of crisis supplement for clothing she can be approved for in this 12-month period. Notwithstanding receiving this maximum, she

requests that her current request be approved as an “advance” on next year’s allowable limit for crisis supplement for clothing.

At the hearing the ministry told the panel the appellant had not requested compression socks in her original request, only regular socks intended to replace the ones she discarded. The ministry added that, although the appellant needed to discard some of her socks after her foot infection, replacing socks is a normal part of clothing wear-and-tear.

The ministry told the panel that the EAPWDR Section 57(1)(4)(c) sets out the maximum amount of a crisis supplement for clothing that can be provided to a person. The legislation allows for up to \$100 per person in the family unit in the 12-month period preceding the date of application for the crisis supplement. The appellant requested and received a \$100 crisis supplement for clothing in November 2014 and therefore the appellant is not eligible for another crisis supplement for clothing until November 2015.

The panel finds as fact:

- The appellant is a sole recipient of disability assistance with no dependents
- The appellant received a \$100 crisis supplement for clothing in November 2014
- The appellant discarded some of her socks and footwear due to a foot infection
- The appellant requires new underwear due to losing elasticity, incontinence, and fluctuations in weight
- The appellant is not currently employed but works as a volunteer.

## 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 for clothing because her request does not meet the criteria set out in the EAPWDR Section 57(1). The ministry found that the request was not unexpected, the appellant had alternate resources available to meet the need, and that failure to obtain the requested items would not result in imminent danger to her physical health. The ministry also determined the appellant has received the maximum amount of a crisis supplement for clothing that can be provided to a person in the current 12-month period as per the EAPWDR s. 57(4)(c).

The ministry further determined the appellant does not qualify for a school start-up supplement because her family unit does not include a dependent child attending school full time as required by the EAPWDR s. 60.1. The ministry determined the appellant does not qualify for a confirmed job supplement because she has not provided information showing she has confirmed employment that would enable her to become independent of assistance as required by the EAPWDR s. 54.1.

### The Legislation

#### Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 54.1

##### **Confirmed job supplement**

**54.1** The minister may provide a supplement of up to a maximum of \$1 000 to or for a family unit that is eligible for disability assistance or hardship assistance if

- (a) a recipient in the family unit obtains confirmed employment that, in the opinion of the minister, will enable the family unit to become independent of disability assistance or hardship assistance,
- (b) in the opinion of the minister, the recipient requires transportation, clothing, tools or other employment-related items in order to commence the employment, and
- (c) there are no resources available to the family unit to cover the cost.

#### Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 57

##### **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](#).
- (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 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.

## Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 60.1

### **School start-up supplement**

**60.1** (1) The minister may provide an annual school start-up supplement to or for a family unit that is eligible for disability assistance or hardship assistance if the family unit includes a dependent child who is attending school full time.

(2) The minister may specify

- (a) the amount to be provided as a school start-up supplement, which may be different for children of different age groups, and
- (b) the time when the supplement is to be provided.

### Arguments of the Parties

It is the ministry's position that the appellant's request for a crisis supplement clothing can not be approved because the appellant has reached the maximum crisis supplement for clothing allowed for the current 12-month period under the legislation. The appellant received a crisis supplement for clothing of \$100 in November and, based on EAPWDR s. 57(4)(c), she cannot be approved for further crisis supplements for clothing until November 2016. The ministry further argues that the appellant's request for a crisis supplement clothing cannot be approved as per EAPWDR s. 57(1) because it was not unexpected, the appellant had alternate resources available to meet the need, and that failure to obtain the requested items would not result in imminent danger to her physical health.

The ministry's position is the appellant does not qualify for a school start-up supplement because her family unit does not include a dependent child attending school full time as per EAPWDR s. 60.1. The ministry maintains the appellant does not qualify for a confirmed job supplement because she has not provided information showing she has confirmed employment that would enable her to become independent of assistance as per EAPWDR s. 54.1.

The appellant's position is that she requires new underwear, socks, and footwear due to unexpected circumstances. She argues her budget does not allow for the purchase of the needed items and if she doesn't get the items, her health is in imminent danger. Regarding the legislated limit of \$100 for a 12-month period, the appellant argues that she is aware she has reached the maximum amount of crisis supplement that she can be approved for in this 12-month period. Notwithstanding receiving this maximum, she requests that her current request be approved as an "advance" on next year's allowable limit for crisis supplement for clothing.

The appellant argues she needs funds to purchase school supplies because she plans on attending school. She argues that she is planning on working full time and requires a confirmed job supplement to purchase clothing for her job.

### Panel Decision and Reasons

#### Crisis supplement clothing

Regarding EAPWDR s. 57 (1)(a), the criterion requiring the funds to be for an unexpected expense, the panel considered the separate circumstances that lead to the appellant's need for new underwear, socks, and footwear. According to the appellant's argument, she requires new underwear because she has had experienced changes in her weight, her underwear were purchased in 2005, she needs them to accommodate incontinence pads, and some were soiled and needed to be discarded. The panel considered the appellant's evidence contained in the form Application for Nutritional Supplement dated March 3, 2015 where the physician noted she "lost 60 lbs. in last 3

months.” The panel also considered the appellant’s testimony that her underwear she was using was originally purchased in 2005 and no longer had sufficient elasticity. The appellant did not provide sufficient evidence that her incontinence was sudden or chronic creating an unexpected need for new underwear. The panel finds that ministry was reasonable to determine that the appellant’s need to replace her underwear was not unexpected.

According to the appellant’s argument, she requires new socks and footwear, including boots, because she was advised by her doctor to discard her current socks and footwear after she recovered from gangrene. The appellant stated the infection was unexpected and lasted for 1 year. The panel accepted the appellant’s testimony that there was a risk of reinfection so she followed her doctor’s instructions and discarded the socks and footwear. The panel finds the ministry unreasonably determined that the appellant’s need for socks and footwear was not unexpected.

Regarding the ministry’s determination that the appellant has alternate resources available to obtain the items, as per EAPWDR s. 57(1)(a), the panel considered the appellant’s evidence that she recently purchased \$44.85 worth of clothing and that the underwear she is replacing was purchased in 2005. The appellant receives monthly disability assistance that includes money intended for personal items and could have budgeted to replace her underwear considering that it was purchased 10 years ago. The panel considered the appellant’s testimony that she recently found a pair of new underwear at a local charity for free. The appellant told the panel that she requires only new socks and footwear therefore she is restricted from buying items offered from thrift shops or charities providing free used items. The appellant did not provide supporting documentation from her doctor to support this restriction. The panel finds the ministry was reasonable to determine the appellant has alternate resources to obtain the items she requested.

Regarding the ministry’s determination, that the appellant does not face imminent danger to her health if she fails to obtain the requested items, the panel considered both the appellant’s and the ministry’s arguments. The appellant argues without new underwear she is at risk of spreading e-coli and without new shoes she is at risk of foot infections. The ministry argues that the appellant has not provided sufficient evidence to support her position. The panel reviewed the evidence presented by the appellant and finds that the ministry was reasonable to determine that there is insufficient evidence to determine that the appellant faces imminent danger to her health if she fails to obtain new socks underwear or footwear.

Regarding the ministry’s determination that the appellant’s request for a crisis supplement clothing can not be approved because the appellant has reached the maximum crisis supplement for clothing allowed for the current 12-month period under the legislation, the panel reviewed the legislation and the record of her past crisis supplement for clothing. The panel finds the legislation, EAPWDR s. 57(4)(c), allows the ministry to approve a crisis supplement for clothing for up to \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement. The panel relied on the ministry’s testimony that the appellant requested, and was granted, a \$100 crisis supplement for clothing in November 2014 and, therefore, she cannot be approved for further crisis supplements for clothing before November 2016. The panel finds there is no ministerial discretion provided by this part of the act. The panel finds the ministry was reasonable to determine the appellant’s request for a crisis supplement for clothing could not be approved because the appellant had reached the maximum allowable crisis supplement for clothing has been reached for this 12-month period.

School start-up supplement

Regarding the ministry's determination that the appellant doesn't qualify for a school start-up supplement the panel considered the EAPWDR s. 60.1 as well as the appellant's circumstances. The appellant is a sole recipient of disability assistance with no dependents. The legislation allows the ministry to provide a school start-up supplement of up to \$100 to a family unit that includes a dependent attending school full time. The appellant does not have a dependent child living with her attending school full time therefore the panel finds the ministry was reasonable to determine that the appellant does not qualify for a school start-up supplement.

Confirmed Job Supplement

Regarding the ministry's determination that the appellant doesn't qualify for a confirmed job supplement the panel considered the EAPWDR s. 54.1 as well as the appellant's circumstances. The appellant told the panel that she is planning on seeking a job and that she is currently volunteering for an organization. The legislation allows the ministry to provide up to \$1,000 as a confirmed job supplement a family unit if a recipient in the family unit obtains confirmed employment that, in the opinion of the minister, will enable the family unit to become independent of disability assistance. The appellant has not provided confirmation of such a job and she testifies she has not found a job yet. The panel finds the ministry was reasonable to determine that the appellant does not qualify for a confirmed job supplement.

The panel finds that the ministry's decision was a reasonable application of the legislation in the circumstances of the appellant and therefore confirms the ministry's decision.