

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the Ministry) dated May 26, 2015 in which the Ministry denied the Appellant a crisis supplement for the purchase of a mattress based on the request not meeting the three criteria necessary to be eligible for funding under Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). That is, the Ministry determined that the need for the mattress was not unexpected, that the failure to obtain the mattress will not result in imminent danger to the Appellant's health, and there is no evidence that the Appellant has no alternate resources to obtain the mattress.

PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Regulation , Section 57

PART E – Summary of Facts

The Appellant is receiving Persons with Disabilities (PWD) benefits as a single person who requested help from the Ministry to purchase a bed in March, 2014 and was denied, and again requested help to purchase a bed on January 30, 2015. This request was abandoned. The last request for funding a bed was made by the Appellant on April 14, 2015.

The evidence before the Ministry at the time of reconsideration included the following:

- A quote for a mattress and bed frame dated April 20, 2015 for \$963.20.
- An undated quote for a bed frame, mattress set and protector for \$1056.38.
- A quote for a bed frame, box spring and mattress dated April 10, 2015 for \$637.26.
- A note from the Appellant's Occupational Therapist (OT) dated March 13, 2015 that recommends the Appellant apply for a crisis grant for a new mattress and box spring and that she will write a note of support.
- A letter dated March 16, 2015 from the Appellant's OT stating the Appellant was recently assessed to review his mobility and equipment needs, that the Appellant has an old hospital bed that is not working and is not worth repairing, that the Appellant is sleeping on a narrow couch that is not wide enough for a comfortable rest, that the Appellant does not have any medical issues that require a hospital bed or pressure wounds that require a pressure relief mattress. The OT concludes the Appellant cannot afford to purchase a new bed, his old one is unsafe and unusable and she recommends he apply for a crisis grant to obtain a mattress, box spring and frame.
- A note from a medical doctor that states the Appellant requires a double bed.

The Appellant writes that his reasons for a request for reconsideration is that he cannot afford a bed, he sleeps on a couch, he has epilepsy and if he has a seizure he could fall off the couch because it is too narrow and suffer a head injury or physical injury, he is more likely to fall if he has a poor sleep, he has constant pain and stiffness in his right leg and hip and cannot get up if he falls, he is 6 foot tall and cannot sleep on a couch, his other bed broke and the request is an unexpected need.

At the hearing the Advocate explained the Appellant's bed broke, he then slept on egg cartons for a time and is now sleeping on a couch. He also explained both the Appellant's medical doctor and occupational therapist have stated the Appellant needs a new bed. He stated the Appellant is in immediate danger because if he falls off the couch while having a seizure he may hurt himself. Lastly he explained the Appellant has to live on his disability assistance of \$906.72, and that finding a rental at \$375 is not feasible, and with a rent at \$675 it is unreasonable to save money for a bed.

Upon questioning the Appellant stated he had checked the available resources for quotes and had checked other charitable sources for funding or for a more economical bed. He stated his occupational therapist had recommended a double bed because his old one was unsafe and unusable. He also clarified he receives approximately \$880 in disability assistance because he is paying off a security deposit for his current apartment. He confirmed the rent of both his previous apartment and his current apartment is \$675. He stated utilities are included in the rent and the balance of his monthly assistance is necessary for his cell phone payment, groceries and other monthly expenses.

The Panel finds admits the verbal information from the Appellant at the hearing as supportive

evidence that was before the Ministry at the time of the reconsideration decision and admits the document as evidence under EAA, Section 22(4)(b).

At the hearing the Ministry reiterated that all three criteria must be met to be eligible for a crisis supplement. The Appellant had first applied for a crisis supplement for a bed in March of 2014 and had at that time stated that his bed was worn out, therefore, a year later the need cannot be defined as unexpected.

The Ministry stated there is no information from the Appellant's occupational therapist or medical doctor that specifies the Appellant's health is in imminent danger if he fails to obtain a new bed. Lastly the Ministry stated they were not satisfied by the information before them that the Appellant had explored other resources to purchase the bed.

The Panel finds as fact that the following:

- The Appellant is receiving Persons with Disabilities (PWD) benefits as a single person,
- The Appellant had first applied for a crisis supplement for a bed in March of 2014
- The current request for a crisis supplement for a bed was made by the Appellant on April 14, 2015.

PART F – Reasons for Panel Decision

The issue on this appeal is whether the Ministry denial of a crisis supplement for the purchase of a mattress based on the request not meeting the three criteria necessary to be eligible for funding under Section 57 of the EAPWDR is reasonable. That is, did the Ministry reasonably determine that the need for the mattress was not unexpected, that the failure to obtain the mattress will not result in imminent danger to the Appellant's health, and that there is no evidence that the Appellant has no alternate resources to obtain the mattress.

The following legislation applies to this appeal:

EAPWDR Section 57(1)

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

The Appellant argues he cannot afford a new bed, that he could suffer a head injury or physical injury from a fall off the couch that he is currently sleeping on, and his other bed is broke therefore the request is an unexpected need.

The Ministry argues it the need for a bed is not unexpected because the Appellant has been aware his bed has not been adequate for more than a year. The OT confirms the Appellant had several hip surgeries in 2008 and that his old bed is unsafe and unusable but the Ministry argues there is insufficient evidence that failure to obtain a new bed will place an immediate danger to the Appellant's health. Lastly the Ministry argues the Appellant's monthly support is meant to be used for day to day items such as replacement of worn out furniture, that there is no evidence that the Appellant is unable to budget for a bed from his support allowance, and the Appellant has chosen a residence where the rent exceeds his monthly shelter allowance.

Because the Appellant has been attempting to obtain a funding for a bed for over a year, and is currently sleeping on his couch, the Panel finds the Ministry reasonably determined that the Appellant's need for a bed is not unexpected.

The Appellant has checked alternate sources of funding for his bed, has limited resources left from his disability assistance for month to month expenses once his rent of \$675 per month is paid, and has been requesting funding for a bed for over a year. The Panel finds the Ministry's determination that Appellant did not satisfy the criterion of no resources available is unreasonable.

The Appellant has stated that he may hurt himself if he falls off his couch and the occupational therapist and medical doctor state the Appellant requires a double bed or a bed frame greater than 20 inches, however there is no information from the occupational therapist or from the medical doctor that specifies the lack of the bed places the Appellant in imminent danger. The Panel finds the Ministry reasonably determined that the failure to obtain the bed will not result in imminent danger to the physical health of the Appellant.

Accordingly, the Panel finds the Ministry's determination to deny the Appellant a crisis supplement to obtain a bed was a reasonable application of the legislation in the circumstances of the Appellant. The Panel therefore confirms the Ministry's decision.