

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision dated July 10, 2015 in which the ministry denied the appellant a crisis supplement for clothing because the request did not meet the criteria in the Employment and Assistance Regulation (EAR) Section 57. 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 the person or a 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.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation section 57

PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming he had been notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

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

- A newspaper article, opinion piece, dated November 16, 2014. The opinion piece discussed the “Welfare rates in BC.”
- An appointment card from the BC Cancer Agency in the name of the appellant showing two appointments on January 22, 2014 and October 23, 2014.
- An information brochure from the BC Cancer Agency describing follow-up care after radiation therapy.
- A ministry form titled Request For Reconsideration completed by the appellant dated June 24, 2015. The appellant writes:
 - He has legal grounds for his application for crisis supplement.
 - He has applied for, and received, this grant for 8 years in a row.
 - He was not provided with a reason why he was denied.
 - The disability rates have not increased in 10 years.

With the Notice of Appeal application the appellant provided a written statement dated July 16, 2015. He writes:

- He is convinced the reconsideration decision was wrong and not completed legally.
- He believes the ministry needs to prove what they write to the tribunal.
- He believes he can prove his point to the tribunal.
- He believes it is not right that the disability rates have not increased for 11 years.

At the hearing the ministry told the panel the appellant applied for the crisis supplement over the phone and he was asked for details about how his clothes went missing but the appellant said he could not remember. The ministry asked him if he had accessed alternate resources for replacement clothing such as thrift stores or charities but the appellant told the ministry he could not. The ministry told the panel that the appellant also receives \$100 monthly for participating as a community volunteer. The appellant provided no documentation from his physician to support his argument that he has deficits with his short-term memory or that failure to provide the supplement would result in imminent danger to the person.

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 need does not meet the criteria set out in the EAPWDR Section 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 the person or a 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.

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.

Arguments of the Parties

It is the ministry's position that the appellant's request for a crisis supplement does not meet the criteria as set out in EAPWDR section 57 (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 has not provided any support for his claim that he has lost all of his clothing except for underwear and slippers. Furthermore, the ministry argues that clothing is an expected expense that the appellant can budget for. As well he can access community resources for clothing such as thrift shops and charities. The ministry argues that there is insufficient evidence to support that the appellant will be in imminent danger to his health if he fails to obtain new clothing.

It is the position of the appellant that he requires a crisis supplement to purchase new clothing because he lost all of his clothes. The appellant argues that he has problems with his short-term memory and cannot remember where his clothes went missing and he has no resources available to purchase the clothes due to the low disability assistance he receives.

Panel Decision and Reasons

Regarding EAPWDR s.57 (1)(a), the criterion that the funds are to be for an unexpected expense, the ministry determined that the appellant has not provided any support for his claim that he has lost all his clothing except underwear and slippers. The panel finds the ministry was reasonable to determine the need for clothing is not an unexpected need. As such, as the appellant has not provided any evidence of a sudden loss of his clothing and no medical evidence confirming his memory loss, the panel finds that the ministry decision, that the appellant's need to replace his clothing was not unexpected, was reasonable.

Regarding the ministry's determination that the appellant has alternate resources available to obtain the items, the ministry determined that the appellant's monthly support allowance is intended for clothing. The panel considered that the appellant has not presented evidence that he has explored alternate resources in his community such as thrift stores and charities and that he received an additional \$100 per month because of his volunteering. The panel considered the appellant's argument that his disability rates are too low. The panel acknowledges the challenge the appellant has with budgeting however the panel finds the ministry was reasonable to find the appellant has not provided sufficient evidence to show he has no resources available from his bank account or from other income sources. The panel finds the ministry was reasonable to determine the appellant has alternate resources available to obtain the items.

Regarding the ministry's determination that the appellant does not face imminent danger to him or his family unit's health or the removal of a child under the Child, Family and Community Services Act if he fails to obtain the requested items. The panel finds that the appellant has not provided evidence that he or his family's health is in imminent danger. The panel finds the ministry was reasonable to find that the appellant does not face imminent danger to him or his family unit's health or the removal of a child under the Child, Family and Community Services Act if he fails to obtain the requested items.

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.