

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry) Reconsideration Decision dated June 29, 2015, which held that the Appellant is not eligible for a crisis supplement for clothing because he does not meet the requirements of s.57 of the Employment and Assistance for Persons with Disabilities Regulation. The Ministry found that the Appellant's need is not unexpected, there is insufficient evidence to support a probability of immediacy that failure to obtain clothing will place his health in imminent danger and that there is insufficient evidence that there is a lack of resources available to meet this need.

PART D – Relevant Legislation

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

PART E – Summary of Facts

The Appellant was not in attendance at the hearing. After confirming that the Appellant was notified, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation.

Information before the Ministry at reconsideration included:

- A letter from the Appellant's landlord dated June 17, 2015 stating that there had been a fire in the Appellant's unit on March 8, 2015 which caused him to lose all of his bedding as well as articles of clothing.
- The Appellant's Request for Reconsideration dated June 12, 2015. The Appellant included a statement written by another person which states that the Appellant had a fire that destroyed all of his belongings, that the Appellant reports that he does not have enough money for food, let alone replacing all of his clothing and he has to dig through garbage cans at least 4 or 5 times a month for food and he is unable to find clothing in his size. In addition the Appellant wrote a note stating that due to fire and smoke damage all of his possessions went to the garbage. Much of the note is illegible.
- The Appellant receives \$946.42 month (\$531.42, \$375 + \$40) – Rent is \$375.

In his Notice of Appeal the Appellant's statement was recorded and written by another person. He stated that he is appalled and disgusted with the way human life exists on such low salaries and is disregarded in his case, that he had extensive fire damage and was on the street for 2.5 weeks begging and borrowing to stay alive, that he thought the Ministry was there to help people, that he needs a walker or cane and asks if he is being treated this way because he is on methadone.

At the hearing the Ministry stated that the Appellant asked for a crisis supplement for clothes in June, saying that he only had what he was wearing. The Ministry received notice of the fire on June 10. The Appellant's request was denied because the fire happened in March, therefore it is not unexpected in June. The Ministry stated that the Appellant receives his disability assistance through a third party, so instead of receiving one cheque each month, he receives his disability assistance periodically, as many as 15 times per month, and he still had money available at the third party administrator's office when he applied for the crisis supplement, therefore he had resources available with which to buy clothing. The Ministry stated that no information was provided to indicate that failure to obtain additional clothing would result in imminent danger to the Appellant's health. In response to questions from the Panel, the Ministry stated that their records show that when the Appellant moved after the fire and when he initially requested a crisis supplement, he still had cheques remaining at the third party office, and therefore he had resources available at that time. The Panel finds that the Ministry's oral testimony supported previous evidence on record, therefore the Panel admitted this oral evidence under Section 22(4)(b) of the *Employment and Assistance Act* as it was in support of information and records that were before the minister when the decision being appealed was made.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the Ministry of Social Development and Social Innovation (Ministry) Reconsideration Decision dated June 29, 2015, which held that the Appellant is not eligible for a crisis supplement for clothing because he does not meet the requirements of s.57 of the Employment and Assistance for Persons with Disabilities Regulation. The Ministry found that the Appellant's need is not unexpected, there is insufficient evidence to support a probability of immediacy that failure to obtain clothing will place his health in imminent danger and that there is insufficient evidence that there is a lack of resources available to meet this need.

Legislation

EAPWDR

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.

The Appellant's position is that he is in need of funds to replace the clothing he lost in the fire. He wrote that he had no money to buy food and he could not find free clothing his size.

The Ministry's position is that the Appellant does not meet the legislative criteria for a crisis supplement; that he has not shown that he has no financial resources available to pay for clothing, that the need to replace his clothing is not unexpected and that failure to meet this expense will not result in imminent danger to his health.

Available resources:

The Appellant argued that the amount of disability assistance he receives each month does not allow him to pay the cost of the clothing he had to replace after the fire. He did not provide any evidence with respect to his financial resources, but stated that he has had to beg, borrow and steal to survive. The Ministry noted that the Appellant receives \$531.42 monthly for support. The Ministry argued that the Appellant had not accessed all of the funds available to him at the third party administrator's offices, which had been provided by the ministry, and that he did not provide sufficient evidence to demonstrate that there are no resources available to meet the expense. The Panel finds that the Ministry reasonably determined that the Appellant did not provide information to show that he did not have resources available to pay for the cost of clothing.

Unexpected expense or unexpectedly needed:

The Appellant did not make any submission with respect to the unexpected nature of this expense. The Ministry, in the reconsideration decision, wrote that they were not notified of the fire until June, but it occurred in March. The Panel finds that the Ministry reasonably determined that the clothing expenses were not unexpected.

Imminent danger to physical health:

The Appellant did not make an argument specifically about this aspect of the legislative requirement. The Ministry argued that the Appellant did not provide sufficient evidence to show that failure to obtain additional clothing would place his health in imminent danger. The Panel finds that in the absence of evidence the Ministry reasonably determined that the Appellant does not meet this criterion.

The Panel finds that the Ministry reasonably concluded that the Appellant did not meet all of the criteria for provision of a crisis supplement under s. 57(1), EAPWDR. The Panel therefore confirms the Ministry's decision as reasonably supported by the evidence.