

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry) Reconsideration Decision dated June 30, 2015, which held that the Appellant is not eligible for a crisis supplement for the difference of \$50.00 over the amount he received. The Ministry determined that the Appellant is not eligible for an additional amount for laundry costs because the requirements of s.57, EAPWDR were not met. The Ministry determined that the Appellant did not provide any information showing he had no resources available to meet the expense, that the expense is not unexpected or unexpectedly needed and that failure to meet the expense or obtain the item would result in imminent danger to his health.

PART D – Relevant Legislation

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

PART E – Summary of Facts

Information before the Ministry at reconsideration included:

- An invoice from a disposal company dated March 27, 2015 in the amount of \$388.50.
- A letter To Whom it May Concern from a physician dated May 14, 2015, stating that the Appellant is a prostate cancer survivor, hypertensive, hypercholesterolemic, borderline sugars rise, obesity, anxiety and depression, and that he is on a vegetable/fruit flax seed rich diet.
- A faxed note from the Appellant's MLA dated May 19, 2015.
- A service report from a pest control company dated May 12, 2015.
- A service report from a pest control company dated March 17, 2015.
- A service report from a pest control company dated March 24, 2015.
- A copy of a Notice of Entry from the Appellant's landlord dated May 8, 2015.
- The Appellant's Request for Reconsideration dated June 9, 2015, with a note from the Appellant stating that he is asking for \$50 more for which he is entitled, that he needed help for food and laundry money, that he was very happy with the \$75.00 for pots and pans, that he has never asked for a furniture supplement and he never asked for money for pots and pans.

In his Notice of Appeal, the Appellant wrote that he never asked for a crisis supplement for a mattress and box spring, he needed food and laundry money. The Appellant submitted:

- The Appellant's Reconsideration Decision dated July 8, 2015, on which the Appellant wrote that he never asked for a mattress or box spring, he asked for food and laundry money, and that he was told he would receive \$50 or nothing.
- The Appellant's Request for Reconsideration dated June 9, 2015, in which the Appellant wrote that he was asking for \$50 more for which he was entitled and was asking for food and laundry money. He wrote that he never asked for \$25 more for furniture.
- A copy of a cheque for \$50 dated April 10, 2015.

At the hearing, the Appellant stated that his appeal is of the Ministry's decision of April 10, 2015, which was to issue him a crisis supplement in the amount of \$50.00. The Appellant stated that on March 17 his apartment was checked and bedbugs were found. The technician advised him to get rid of his couch and box spring and mattress. He stated that he had to buy mattress covers in order to have the furniture removed. and had to launder all of his clothes, which cost \$1.00 to wash and \$1.25 to dry each load. He stated that he bought an air mattress and pump, and that he had to get rid of his furniture. He stated that he then telephoned the Ministry where a worker offered him a \$50.00 crisis supplement and told him to "take it or leave it". He stated that he approached a social service agency but received nothing. The Appellant stated that his girlfriend left, taking his blender with her, which he had used to prepare a special diet that he stated is essential to his health. He stated that he then approached the Ministry and was given a crisis supplement for \$75.00. In response to questions from the Panel, the Appellant stated that the exterminator technician told him to get rid of his bedding, but he did not explain everything to the Ministry and he does not know why he received only \$50.00. In response to questions from the Ministry, the Appellant stated that every time he called them he was put on hold, and then he was told he could have a crisis supplement for food.

The Ministry responded that on April 10 the Appellant called and requested money for laundry and clothes and a \$50.00 crisis supplement was issued. On April 17 a food supplement was issued, and on April 24, \$100.00 was issued for clothing. On May 4, the Appellant told the Ministry that all of his furniture was gone and that his girlfriend had taken everything from the kitchen. Crisis supplements in the amounts of \$20.00 and \$75.00 were issued for food and kitchen supplies. The Appellant's MLA contacted the Ministry with a note stating that the Appellant was asking for an additional \$50.00, which was the first time the Ministry heard this request. An

application for Monthly Nutritional Supplement was mailed to the Appellant. On May 21, bedding was ordered for the Appellant in the amount of \$119.25; on May 25, the Appellant applied for a crisis supplement in the amount of \$100.00, but did not specify why; on May 26 the Appellant advised he would like reconsideration of the \$75.00 crisis supplement; on June 19 a reconsideration package was prepared concerning the Appellant's eligibility for a mattress and box spring. The Ministry determined that the Appellant has sufficient resources to pay for his laundry, which was an unexpected need in April, but not later. The Ministry stated that because the Appellant was issued \$100.00 for clothing he is not in imminent danger to his physical health. The Ministry stated that the Appellant was issued crisis supplements for food in April, May and July, but he did not request a supplement for June. In response to questions from the Appellant, the Ministry stated that the information provided is from the Ministry's files, and there is no record of a faxed request on April 12. In response to questions from the Panel, the Ministry stated that there are guidelines for dealing with bedbug infestations, but they are more concerned with assuring the unit is clean than consideration of crisis supplements.

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 which held that the Appellant is not eligible for a crisis supplement for the difference of \$50.00 over the amount he received. The Ministry determined that the Appellant is not eligible for an additional amount for laundry costs because the requirements of s.57, EAPWDR were not met. The Ministry determined that the Appellant did not provide any information showing he had no resources available to meet the expense, that the expense is not unexpected or unexpectedly needed and that failure to meet the expense or obtain the item would result in imminent danger to his health.

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 the crisis supplement of \$50.00 he received April 10, 2015 was insufficient for food and laundry and he feels that he is entitled to an additional \$50.00.

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 his laundry expenses, that the laundry costs are 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 amount of laundry he had to do after the bedbug infestation. He did not provide any evidence with respect to his financial resources, but stated that his laundry costs \$2.25 per load to wash and dry, and he did not have enough money for food and laundry. The Panel notes that the Appellant received crisis supplements for food in the months of April, May and July as reported by the Ministry. 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 laundry costs.

Unexpected expense or unexpectedly needed:

The Appellant did not make any argument or submission with respect to the unexpected nature of this expense. The Ministry, in the reconsideration decision, wrote that the need for laundry costs was unexpected when the bedbug infestation occurred, but not three and a half months later. The Appellant argued that he complained about the amount of the crisis supplement at the time; however the Ministry argued that there is no record of the complaint. The Panel finds that the Ministry reasonably determined that the laundry expenses were not unexpected.

Imminent danger to physical health:

The Appellant did not raise an argument specifically about this aspect of the legislative requirements except with reference to the diet he is currently following. The Ministry argued that the unit was clear of bugs by May 13 and that the Appellant received a crisis supplement for clothing and therefore failure to meet the additional expense for laundry will not result in imminent danger to his health. Based on their information, the Panel finds that 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.