

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision dated July 20, 2015 which held that the appellant was not eligible for a crisis supplement to purchase batteries and a battery pack for his electric bicycle as he has not met all three of the required eligibility criteria under Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically, the ministry determined that :

- the supplement was not required to meet an unexpected need;
- alternate resources were available;
- the information was insufficient to establish failure to obtain the items would result in imminent danger to health.

PART D – Relevant Legislation

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

PART E – Summary of Facts

The appellant has been designated as a Persons with Disabilities and is a sole recipient of assistance. The appellant requested a crisis supplement for batteries and a battery pack for his electric bicycle as the batteries were stolen. The electric bicycle assists the appellant in traveling to attend his doctor's appointments on a regular basis. On June 18, 2015 the ministry denied the appellant's request and on July 15, 2015 he requested reconsideration of that decision.

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

- The appellant's Request for Reconsideration (RFR) dated June 18, 2015 in which the appellant states that he has been on disability since 2008 and he bought the e-bike as he has trouble getting to and from specialist appointments and getting to and from the grocery store. He is not able to receive a bus pass and he does not have acquaintances that can help with transportation or loan him the money for bus fare. He has surgery pending in September for a medical issue as well as problems with his back and has partial use of his left hand. He has been told that if he can't make his appointments, he will not be able to see the doctor anymore.

The ministry states:

- The appellant is a single person in receipt of Employment and Assistance for Persons with Disabilities benefits.
- The appellant receives a monthly allowance of \$988.08 which includes \$531.42 support, \$375 shelter allowance, \$41.66 alcohol/drug supplement, and \$40.00 diet supplement. He pays \$700.00 a month for rent.
- On June 16, 2015 the appellant advised the ministry that 4 batteries and the battery pack for his electric bike had been stolen. He requested a crisis supplement to replace the stolen items.

In his Notice of Appeal (NOA), dated July 28, 2015 the appellant stated that he has no way other than his electric bicycle to get to medical or hospital appointments which will result in imminent danger to his physical health.

The appellant's evidence at the hearing included the following information:

- He rode the bus to the hearing, but he suffers from claustrophobia and finds it uncomfortable to use the public transit system.
- From May 2008 until purchasing the electric bike in April 2015 he relied on bikes he borrowed from friends, the city bus or he walked to his appointments.
- He purchased the bike with \$900.00 of his own money and used the \$790.00 special transportation assistance from the ministry to pay for the rest of the purchase price.
- He has chosen to live in an apartment that exceeds his shelter allowance because it is in a safer and more secure location.
- When the batteries and battery pack were stolen from his apartment he was in the hospital and the bike was locked in a hallway outside of his residence.
- He filed a police report, but he has not heard from the RCMP saying they have recovered the battery pack and batteries.
- He has asked for assistance from community agencies to pay for the battery pack and

batteries, but he has not been successful in getting any assistance.

- He stated that since he cannot use his bike he has lost two doctors because he has not made it to appointments.
- The appellant stated that he has recently taken himself off of all medication and he now finds it “easier to get around”.

The appellant’s oral testimony substantiated the information at reconsideration and was therefore admitted as evidence in support of the information and records before the ministry at reconsideration and in accordance with section 22(4) of the *Employment and Assistance Act*.

The ministry relied on the information from the reconsideration decision and did not submit any new information. The ministry confirmed that the purpose of a crisis supplement is to address unexpected emergency needs to prevent imminent danger to health during the month of the claim. This supplement is not intended to augment monthly assistance.

PART F – Reasons for Panel Decision

The issue to be determined at appeal is whether the ministry's July 20, 2015 reconsideration decision which found the appellant was not eligible for a crisis supplement to purchase batteries and a battery pack for his electric bicycle as he had not met all three of the required eligibility criteria under Section 57 of the (EAPWDR) was reasonably supported by the evidence and a reasonable application of the legislation in the appellant's circumstances.

The following legislation applies to this appeal:

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, and
 - (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.
- (BC Reg. 13/2003)

The appellant argued that he purchased the electric bike with \$900.00 of his own money and used the \$790.00 special transportation assistance from the ministry to pay for the rest of the purchase price because he is claustrophobic and finds it very difficult to take public transportation to get around.

The appellant argued that he had taken reasonable precautions to safeguard his bike by locking it up when he was away. He did not expect it to be stolen.

The appellant argued that he has asked for assistance from community agencies to pay for the battery pack and batteries, but he has not been successful in getting any assistance. He stated as a result of choosing to spend more money on his accommodation in a more secure location, he lives on \$176.00 a month and cannot afford to buy batteries.

The appellant stated that as a result of not having his electric bike to take him to appointments and due to his mobility issues and pending surgery, he is at risk of losing his doctor which will endanger his health.

The ministry argued that it is not unexpected to have to replace unsecured belongings. The ministry stated that the appellant's support allowance of \$531.00 per month is intended to be used for personal items such as batteries and a battery pack and that because the appellant has chosen to divert some of his support funds to rent a home that exceeds his shelter allowance of \$375.00, there is no money to budget for replacement batteries and the battery pack.

The ministry stated that there is not enough evidence to support the appellant's position that failure to obtain the batteries and a battery pack will place the appellant's health in imminent danger. Because the appellant has been getting to doctor appointments since the batteries and battery pack were stolen, his health is not considered to be in imminent danger.

Panel Decision

Under Section 57 of the EAPWDR, a crisis supplement may be provided if all three of the following criteria are met:

- 1) the need for the item or expense is unexpected;
- 2) there are no resources available to pay for the expense;
- 3) failure to meet the expense will result in imminent danger to the physical health of any person in the family unit or the removal of a child under the *child, Family and Community Services Act*.

The appellant had locked the bike up to secure it while he was in the hospital. Since the appellant had made the effort to secure the bike the panel finds that the ministry was not reasonable to find the theft of the batteries and battery pack was not an unexpected expense.

The appellant told the panel that he has spoken to community agencies to get assistance in replacing the batteries and battery pack. He has not been successful in securing any assistance. He also explained that he does not have any friends or relatives that can help him out financially to purchase the batteries and battery pack. He stated that he has chosen to live in an apartment that exceeds his shelter allowance because it is in a safer and more secure location and because of this he has no

money for unexpected expenses.

The panel finds that based on the above information, the ministry was not reasonable to find there are resources available to pay for the unexpected expense

The appellant stated that his health is in imminent danger if he cannot ride his bike to appointments. However, the appellant has been getting to appointments since the theft of the bike batteries and battery pack in June 2015. The appellant took the bus to the hearing and stated that because he is no longer taking his medication, "it is easier to get around". The appellant stated that from May 2008 until the purchase of the bike in April 2015, he had used alternative means of transportation.

The panel finds that the appellant has not provided evidence that his physical health is in imminent danger if the batteries and battery pack are not replaced and that the ministry reasonably determined that the appellant has not met the third criteria of Section 57 or the EAPWDR.

The panel finds that the ministry reasonably determined that the appellant has failed to meet all three criteria of section 57 of the EAPWDR.

Therefore, the panel finds that the ministry's decision that the appellant is not eligible for a crisis supplement to purchase batteries and a battery pack for his electric bicycle under section 57 of the EAPWDR was a reasonable application of the legislation in the appellant's circumstances and confirms the decision.

The appellant is not successful in his appeal.