

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry) Reconsideration Decision dated July 20, 2015, which held that the Appellant is not eligible for a crisis supplement for a bed because she 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 a bed will place her 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

Information before the Ministry at reconsideration included:

- The Appellant's Request for Reconsideration dated July 18, 2015, with an attachment which states that she needs a bed because she is sleeping on the floor. She wrote that she had to leave her bed behind because a dog urinated on it and made it unusable, the mattress was starting to tear apart and urine had soaked into the wood of the box spring, that she does not have enough money for a new bed and she has joint pain that makes sleeping on the floor painful. The Appellant wrote that she is starting a new medication that she has to inject into her thighs, making sleeping on the floor worse due to the pain. The Appellant wrote that she asked family and friends, but they were unable to help and she was unable to find a suitable bed at a thrift store.

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 a bed because she 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 a bed will place her 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 she needs a bed because the one she had is unusable, that she has tried unsuccessfully to find a bed in thrift stores and cannot afford to buy a new one and that her health is affected by sleeping on the floor.

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

Available resources:

The Appellant argued that the amount of disability assistance she receives each month does not allow her to pay the cost of a new bed she had to replace after the dog urinated on it. She did not provide any evidence with respect to her financial resources. The Ministry argued that the Appellant's support allowance is intended to be used for day to day items such as furniture. The Panel finds that the Ministry reasonably determined that the Appellant did not provide information to show that she did not have resources available to pay for the cost of a bed.

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 the Appellant did not state that she had taken any preventive measures to stop the dog from urinating on the bed, and that the need to replace an item due to wear and tear is not unexpected. The Panel notes that the Appellant stated that the urine had soaked into the wood frame of the bed and that it was starting to tear apart, which suggests that the damage occurred over a period of time. The Panel finds that the Ministry reasonably determined that the need for a bed was not unexpected.

Imminent danger to physical health:

The Appellant argued that sleeping on the floor is painful and that it is hard to get up off the floor. The Panel finds that in the absence of further evidence the Ministry reasonably determined that the information does not establish that the Appellant 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.