



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision dated October 1, 2015, wherein the ministry denied the appellant a crisis supplement for food. The ministry determined that the appellant was not eligible for a crisis supplement as she did not meet the requirements as per Section 59(1)(a) and 59(1)(b) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR):

- The supplement is needed to meet an unexpected expense or obtain an item unexpectedly needed; and
- The appellant is unable to meet the expense because there are no resources available; and
- Failure to meet the expense will result in imminent danger to the physical health of any person in the family unit or removal of a child under the Child, Family and Community Service Act.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”) Section 59

PART E – Summary of Facts

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

- September 5, 2015 – The appellant’s roommate contacted the ministry on the appellant’s behalf to request a crisis supplement for food. The roommate stated that they had to move the previous month and that the ministry had not provided assistance for the move. The roommate stated that the appellant owed money to the pawn shop and that she has to pawn things to survive. The roommate also stated that the appellant had sought assistance from social organizations in the community.
- September 10, 2015 – The appellant was informed that her request for a crisis supplement for food was denied as the information provided did not meet the required regulatory criteria. The appellant had previously received crisis supplements for food in both June and August, and she moved twice within a two month period, using her food money to pay moving expenses. The appellant did not identify that failure to meet the expense would result in imminent danger to her health.

The appellant submitted a Request for Reconsideration on September 18, 2015 in which she stated that her caregiver received a \$20 cheque from Employment and Assistance due to their moving with no help from the ministry for moving costs. She had to pawn jewelry for food such as milk, eggs, toilet paper, etc. and she believes that she should be entitled to a \$20 cheque as her caregiver received.

In her Notice of Appeal, the appellant wrote: “Caregiver received a \$20 [cheque] for food; I did not; I had just moved and the facts are the same as my caregiver’s. And I am also a diabetic and was out of toilet paper, milk and eggs!”

At the hearing, the appellant explained that she needs the supplement to purchase food because she has several health issues including that she is a diabetic and is recovering from breast cancer. She explained that although she receives a monthly Diet Allowance Supplement of \$35, that money is for diabetic supplements only; not food. She also stated that she should have been receiving a \$40 radiation allowance from the ministry but has not received any of that money for 10 months. Because she does not have enough money for food, she can only purchase vegetables and canned foods which do not provide enough nutrition and as a result, her physical wellbeing has suffered. She has recently been diagnosed with having a stomach ulcer which she believes is the result of a poor diet.

The appellant’s caregiver attended as her advocate. He stated that he has been her live-in caregiver for 17 years and knows her situation well. He began by clarifying an error in the reconsideration decision. The decision describes that the appellant moved from city A to city B and then one month later to another location within city B. In fact, the appellant moved from city B to city A and then one month later to another location in city A. He confirmed that the other details in the decision are accurate.

The advocate explained that the second move was unexpected because the first location was discovered to be unsafe for the appellant. The location of the apartment was not easily

accessible to the appellant and road traffic was dangerous for the appellant who is delicate and uses a scooter. Therefore, they moved to a safer, more accessible location.

He testified that because they moved to city A without furniture they need, he has been trying to purchase one piece of furniture each month. He described the difficulty he experienced moving within city A because their request for a moving supplement was denied by the ministry. He had to move many belongings on the scooter and paid two young people \$100 to help. Because he had to use funds to help with moving costs he had no money to buy the appellant food.

The advocate emphasized that the appellant is in need of nutritious food because in addition to being diabetic and recovering from breast cancer as she had already testified, she is suffering from rheumatoid arthritis, osteoarthritis, mood swings, slight dementia and she has an irregular heartbeat. He said they have been living off food from community organizations and he believes the quality of that food is not of high enough quality to support the appellant's nutritional needs.

The panel admitted the appellant's additional oral testimony into evidence pursuant to Section 22(4) of the Employment and Assistance Act as it was evidence in support of the information before the ministry at the time of reconsideration. The appellant and her advocate confirmed that the appellant had moved twice within a period of two months and had applied their monies to the move rather than purchase food.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's reconsideration decision denying the appellant's request for a crisis supplement for food was reasonably supported by the evidence or a reasonable application of the legislation. The ministry found that the information provided did not establish that the three criteria for eligibility defined in Section 59(1) of the EAPWDR were met. The ministry found that the need to purchase food is not an unexpected expense, that there was insufficient evidence to demonstrate that no resources were available or that failure to obtain additional funds for food would result in imminent danger to the appellant's health.

(A) Crisis supplement

59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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 income 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.

(B.C. Reg. 12/2003)

The Ministry's Position

The ministry held to the information in the reconsideration decision and confirmed that with the exception of the move locations being reversed, all other information is correct.

The ministry clarified for the appellant and the advocate that the intent of a crisis supplement is not to augment monthly assistance but to address a specific need according to the criteria for eligibility as outlined in Section 59 of the EAPWDR.

The ministry addressed each of the three criteria and their consideration:

Unexpected expense: The ministry's position is that the appellant moved in August and the request for a supplement was made in September and therefore, it was not unexpected. That the appellant chose to use funds to move than to purchase food was a personal choice.

Risk of imminent danger to physical health: The ministry acknowledged that a shortage of food may provide a health risk but stated that at the time the decision was made, there was no information provided to indicate there was a health risk.

Resources: The ministry's position is that moves need to be planned for and the first priority for using funds should be for food and shelter costs; not moving. The appellant was issued a crisis supplement for food in June and again in August. The ministry confirmed that, as stated in the decision, the appellant did not provide sufficient evidence and at the hearing noted that bank statements, expense receipts, examples of how they had attempted to get assistance from community organizations are examples of what could be provided to demonstrate that there were no resources available for food.

The Appellant's Position

The appellant's position is that she needs money for food because she has serious health issues, and she believes that she should be given \$20 by the ministry for food because her caregiver was given \$20 for food when he requested it.

Panel Decision

The appellant is a sole recipient of disability assistance. Under Section 59 of the EAPWDR, the ministry may provide a health supplement to a person who is eligible for disability assistance, such as the appellant, if the applicable requirements in the regulation are met.

Section 59(1) of the EAPWDR stipulates that in order to be eligible for a crisis supplement, the ministry must be satisfied that the supplement is needed to meet an unexpected expense or obtain an item unexpectedly needed, and that there are no resources available to meet the expense or obtain the item, and that failure to meet the expense will result in imminent danger to the physical health of any person in the family unit or removal of a child under the Child, Family and Community Service Act.

While the appellant argues that she was left without funds for food having moved twice and that under the same circumstances her caregiver received a crisis supplement for food, the panel finds that the ministry has reasonably determined that the legislation requires that the need for food be unexpected and that the circumstances described by the appellant do not establish that food was unexpectedly needed or an unexpected expense.

With respect to available resources, the appellant received a supplement in August and chose to apply that money to moving costs rather than to use it to obtain food. In addition, the appellant testified that she is not without food as she is accessing local community resources daily.

With respect to the third criteria of imminent danger to health, during the hearing, the appellant described health conditions she is currently experiencing but she did not provide sufficient evidence to demonstrate that her health is in imminent danger as a result of not receiving the \$20 food supplement.

Having considered all the evidence, the panel finds the ministry reasonably determined that the requested crisis supplement was not required to meet an unexpected expense or an item unexpectedly needed, and there is insufficient evidence to confirm that the appellant has no resources available or that failure to provide the item will result in imminent danger to the appellant's physical health.

The panel therefore finds the ministry's determination that the appellant was not eligible for a crisis supplement was a reasonable application of the legislation in the appellant's circumstances and confirms the ministry's reconsideration decision.