

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of October 23, 2015 wherein the ministry denied the appellant a crisis supplement for clothing because he did not meet all the criteria set out in section 57(1) Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”).

The ministry held that:

1. the expense was not unexpected,
2. there were alternate resources available to the family unit, and
3. failure to meet the expense would not result in imminent danger to physical health.

PART D – Relevant Legislation

Employment and Assistance For Persons with Disabilities Regulation (“EAPWDR”), section 57

PART E – Summary of Facts

The evidence before the ministry at the time of reconsideration:

- Request for Reconsideration dated October 26, 2015.

The appellant is a sole recipient of disability assistance. In October 2014 the appellant was issued a crisis supplement (“CS”) to purchase clothing. On August 4, 2015 the appellant told the ministry that his landlord had thrown out his clothing when he left his residence under police escort and was incarcerated. The appellant had requested a CS which was denied because he already received the maximum limit within the previous 12 months. On September 2nd, 2015 the appellant again requested a CS for clothing stating he had used his funds to move and pay for rent. His request was again denied. On October 2, 2015 the appellant requested a CS to purchase clothing stating that he lost his clothing in June 2015. The appellant’s request was denied and he requested reconsideration.

On the Notice of Appeal the appellant did not provide any reason(s) for his appeal.

This is a written hearing.

The appellant did not provide a written submission.

The ministry relied on the facts as stated in the Reconsideration decision.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration of October 23, 2015 wherein the ministry denied the appellant a crisis supplement for clothing because he did not meet all the criteria set out in section 57(1) EAPWDR.

The ministry held that:

1. the expense was not unexpected,
2. there were alternate resources available to the family unit, and
3. failure to meet the expense would not result in imminent danger to physical health.

The legislation considered:

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*.

Unexpected

The ministry's position, in this case, is that that the appellant initially reported his clothing lost to the ministry in August 2015 when he was escorted from his residence and his landlord threw out his belongings. The ministry argued that the appellant did not provide any further explanation concerning the circumstances surrounding the loss of his clothing in June and without further details the ministry cannot consider his need to purchase clothing unexpected.

The appellant's position is that his clothing was lost in June 2014 and he needs new clothes.

Panel Decision

Section 57(1)(a) specifies that the crisis supplement must be for an "unexpected expense" or to obtain an item "unexpectedly needed".

The panel finds that clothing is not generally an unexpected expense or an item that is unexpectedly needed and since there are no details about the loss and as the clothing was lost more than 6 months ago neither the expense for clothing nor the need for clothing can be considered unexpected.

Therefore, the panel finds the ministry reasonably determined that the appellant did not meet the legislated criteria of an unexpected expense or that his need for an item of clothing was unexpected.

No Resources

The appellant's position is that he has no resources available to him to buy new clothing. He argued that he utilized his money to pay for a move and pay rent, and that no suitable clothing is available at thrift stores or other social agencies.

The ministry's position is that there is insufficient information that the appellant has a lack of resources available in his support allowance to budget on a gradual basis for clothing costs since June 2015 and his support allowance is intended to be used for daily living expenses such as clothing. The ministry also argued his shelter allowance is intended to be used for shelter costs, rent.

Panel Decision

The panel finds the support allowance is expected to be used for expenses such as clothing. The case-specific circumstances of each case have to be considered. The panel notes it has also been several months since he lost his clothing giving him sufficient time to budget for new clothing.

Therefore, the panel finds that the ministry reasonably determined that the appellant has not satisfied the legislative criterion that he has no resources available to acquire clothing.

Imminent Danger to Physical Health

The appellant did not provide any evidence that the ministry's failure to provide the crisis supplement will result in imminent danger to his health.

The ministry's position is there's insufficient evidence to support a probability of immediacy that failure to obtain new clothing will place his physical health in imminent/immediate danger.

Panel Decision

The panel finds there is insufficient evidence that failure to obtain the requested crisis supplement will put the appellant's physical health in imminent danger.

The panel finds the ministry was reasonable in determining that the appellant has not satisfied the legislative criterion related to "imminent danger to physical health".

Conclusion

Since the Ministry reasonably determined that all the criteria in EAPWDR section 57 have not been satisfied, the panel finds that the ministry's decision to deny the appellant a crisis supplement for clothing was reasonably supported by the evidence. The ministry's decision is confirmed.