

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision dated March 10, 2016 which found that the appellant is not eligible for a crisis supplement to purchase clothing as the appellant did not meet the criteria set out in Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry was not satisfied the evidence established that:

- The need for the item or expense is unexpected;
- Failure to obtain the item will result in imminent danger to health; and,
- There are no alternative resources available to obtain the item or meet the expense.

PART D – Relevant Legislation

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

PART E – Summary of Facts

The appellant is a recipient of disability assistance as a single parent of one dependent child.

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

- Request for Reconsideration dated March 7, 2016.
- A letter prepared by the appellant dated March 7, 2016 explaining her request for reconsideration.
- A hand written note by the appellant dated March 7, 2016, requesting another worker other than the one who prepared her reconsideration to review her request.

On February 9, 2016 the appellant reported her daughter's clothing and building entry fob was stolen. A crisis supplement of \$100 was issued for clothing. The request for a crisis supplement to replace the key fob was denied.

On February 24, 2016 the appellant contacted the ministry and requested a crisis supplement for herself to replace her stolen clothing items and replace the building key fob. This request was denied.

The appellant completed Request for Reconsideration forms on March 7, 2016 stating her request for a clothing supplement had been improperly combined with her daughter's, important information was missing from the supplement request, that she was unable to afford these unexpected expenses and that going without these items is affecting her health and was causing her pain and suffering.

In the reconsideration decision the ministry notes the purpose of the crisis supplement is to address unexpected emergency needs to prevent imminent danger to health and is not to augment monthly assistance. To qualify for a crisis supplement three criteria must be met:

- The expense was unexpected;
- Failure to obtain the supplement would result in imminent danger to the physical health of the appellant;
- There were no other resources available

The ministry believes all three criteria were not met in that:

- The request for clothing is not unexpected and that the request for clothing was not an immediate need of the appellant.
- No imminent danger to physical health was established by the appellant.
- There is insufficient evidence there is a lack of resources available to the appellant as allowances are intended to be used for daily living such as clothing.

In the appellant's notice of appeal she wrote "Issues have not been addressed, concerning my requests. Information is missing".

During the hearing the appellant noted that documentation in relation to her requests for a clothing supplement for her was confused with her daughter's request. The panel noted that the Employment and Assistance Reconsideration Decision documentation was included a typographical error when

writing the Decision Under Consideration as being “a crisis supplement to purchase food” and, in the Reconsideration Decision ‘The minister is not able to approve your request for a crisis supplement to purchase additional clothing for your daughter.’ During the hearing the ministry clarified that the written statements noted above were incorrect but that the body of the decision was in reference to the appellant and her claim for a clothing supplement claim.

During the hearing, the appellant also questioned why the key fob and backpack had not been addressed in the reconsideration decision. The ministry explained the stolen key fob and backpack were not considered clothing items therefore would have to be submitted as a separate request. The ministry explained that a reconsideration package has been sent to the appellant to complete for these items and advised the appellant to complete the request indicating urgency for the key fob.

The appellant stated she felt she qualified for the clothing supplement as she the theft of her items was an unexpected expense since her daughter had locked the locker and still someone broke the lock and took her clothing and other items, that her health was in imminent danger as she is prone to ear and sinus infections and that she did not attempt to access any other resources as she did not have the funds to make any purchases, even for second-hand items.

The ministry referred to the Reconsideration Decision documentation stating the appellant was not eligible for a crisis clothing supplement.

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PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's reconsideration decision, which found that the appellant is not eligible for a crisis supplement to purchase clothing, was reasonably supported by the evidence or was a reasonable application of the applicable regulation in the circumstances of the appellant. The ministry found that the evidence does not establish that the appellant's request met the criteria for allowing a crisis supplement as set out in Section 57 (1) of the (EAPWDR) as follows:

(A) 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,

Unexpected Expense

The ministry's position is clothing is not an unexpected expense and that the request for clothing was not an immediate need of the appellant.

The appellant's position is that the expense of replacing the stolen clothing is unexpected as she did not anticipate the theft of the items. The appellant argued that her daughter had locked the items in a locker at the community center; that someone broke the lock and took the items and this was not expected.

Panel decision:

The panel finds that the ministry's finding on this criteria was not reasonable as theft of one's clothing from a locker, when it has been properly secured by a lock, is unexpected and should not be considered expected since precautions had been taken to protect the belongings.

No Resources

The ministry's position is the support allowances issued to the appellant are intended to purchase day to day items and to be budgeted for future purchases and that there is insufficient evidence to establish a lack of resources.

The appellant's position is she felt she could not afford to purchase the lost items at any cost so did not access other resources.

Panel decision:

The panel finds that the ministry was reasonable to conclude that there is insufficient information to establish that the appellant's support allowance insufficient for the appellant to budget and purchase the clothing items she requires. Although the appellant felt she could not afford to replace the stolen items, she did not make any attempt to access all possible community resources.

Imminent danger to the physical health

The ministry's position is there is insufficient evidence to support a probability of immediacy that failure to obtain clothing will place the appellant's health in imminent danger.

The appellant's position is that she has a condition since childhood that makes her prone to chronic infections and without a hat and scarf, the cold weather will cause her to possibly have ear and sinus infections.

Panel decision:

The panel finds that the ministry was reasonable to determine that there is no imminent danger to the health of the appellant. Although the appellant was concerned of possible ear and sinus infections, there is no supporting evidence that the appellant has any medical conditions that would make her more susceptible to the extent that there was an imminent danger to her health if she did not have the clothing items.

Conclusion

The panel finds that the ministry's reconsideration decision which determined that the appellant was not eligible for a crisis supplement for clothing since all the criteria in Section 57 (1) of the EAPWDA were not met was reasonably supported by the evidence, and therefore confirms the decision.