

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) dated March 30, 2016 that denied a crisis supplement for clothing. The ministry noted there are no provisions within the legislation specifically for the purchase of clothing under the Persons with Disabilities (EAPWDR) Regulations and the appellant did not meet the requirements for a crisis supplement as required in section 57 of the regulation, because the item requested was not an unexpected expense or an item unexpectedly needed, that failure to provide the item would not result in imminent danger to his physical health and there is insufficient evidence to determine that there are no resources available to the family unit.

## PART D – Relevant Legislation

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

## PART E – Summary of Facts

### **The information before the Ministry at reconsideration included the following:**

- The appellant is in receipt of disability assistance as a sole recipient with monthly assistance of \$906.42 comprised of \$531.42 support, \$375.00 shelter.
- The appellant receives Canada Pension Plan (CPP) benefits of \$661.41 which are deducted from the monthly assistance.
- The appellant is paying shelter costs of \$375.00 monthly.
- On February 12, 2016 – the appellant submitted a Crisis & Service Request Form requested requesting funds to purchase new clothing.
- On February 24, 2016 – a ministry worker contacted the appellant to discuss the unexpected need for clothing and footwear and the appellant stated that nothing is unexpected but he just didn't have the funds to buy. He further stated that he would not access community resources because he didn't want used clothing. The ministry denied the appellant's request for a crisis supplement to purchase clothing.
- March 18, 2016 – the appellant signed the Request for Reconsideration stating the following:
  1. He never responded to the ministry worker that nothing was unexpected, and
  2. He looked to community resources for clothing and didn't find anything suitable, and
  3. He doesn't have spare money to buy the clothes he needs and doesn't want to wear other peoples used socks and underwear.

### **Notice of Appeal dated April 4, 2016, the Appellant stated the following:**

1. He didn't apply for a crisis supplement under s.57(1)(2)(3) and he applied under s.57(4)(c), and
2. The amount of support doesn't even support his grocery cost for the month, and
3. The clothing crisis grant is for clothes, and
4. He also pays half the phone and cable bill and union dues monthly.

**The appellant's submission to the written hearing the appellant argues:**

He directed the Tribunal to Section 57(4)(c) EAPWDR which states

“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.”

**The ministry's submission to the written hearing:**

“The ministry's submission in this matter will be the reconsideration summary provided in the Record of Ministry Decision.”

The panel admitted the appellant's written testimony, which either substantiated or further explained information already before the ministry, as being in support of the information and records before the ministry at reconsideration in accordance with section 22(4) of the Employment and Assistance Act.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision to deny the appellant a crisis supplement for clothing was a reasonable application of the legislation in the circumstances of the appellant. Specifically, whether the ministry reasonably determined that the appellant did not meet the criteria for a crisis supplement as set out in section 57 of the EAPWDR because the item requested was not an unexpected expense or an item unexpectedly needed, the appellant had not demonstrated that failure to provide the item would result in imminent danger to his physical health and there is insufficient evidence to determine there are no resources available to the family unit.

### **Relevant Legislation:**

#### Section 57 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, 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)

**Panel Decision:**

Relevant to this case is section 57 of the EAPWDR that states there are specific conditions that must be met in order to qualify for a crisis supplement. The panel must consider the facts of this case as it applies to the legislation.

The first criterion is that the item must be an unexpected expense or an item unexpectedly needed. The panel finds that the ministry was reasonable in its conclusion under section 57(1)(a) EAR that this criterion was not met as the appellant is requesting the allowance to purchase clothing and it can be anticipated that clothing will require replacement when it wears out. The second criterion is that failure to obtain the item will result in imminent danger to the appellant's physical health. The appellant's submissions don't address imminent danger to his physical health and therefore the panel finds that the ministry reasonably concluded there is insufficient information indicating that the appellant's physical health is in imminent danger due to the absence of new clothing under section 57(1)(b)(i) EAR. The third criterion is that the appellant is unable to meet the expense or obtain the item because there are no resources available to the family unit. The panel finds that the ministry reasonably concluded under section 57(1)(a) EAR that the appellant's support allowance provides funding for clothing and there is insufficient evidence that there is a lack of resources available to budget for clothing. All three criteria must be satisfied in order to be eligible for a crisis supplement.

The panel finds that the ministry's decision that the appellant was not eligible for a crisis supplement under section 57 EAR was supported by the evidence and was a reasonable application of the legislation in the circumstances of the appellant. The panel confirms the ministry's decision in accordance with section 24(1)(a) and 24(2)(a) of the Employment and Assistance Act.