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## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry) reconsideration decision dated May 11, 2016, which held that the appellant is not eligible for a crisis supplement to purchase clothing pursuant to Section 4 of the Employment and Assistance Act (EAA) and Section 59 (1) of the Employment and Assistance Regulation (EAR). The ministry determined that the appellant meets the criterion of Section 4 of the EAA as the appellant is eligible for income assistance.

However, the ministry determined that the appellant's need for clothing:

- was not unexpected;
- the evidence did not establish that the appellant did not have other resources available to him to meet his need for clothing; and
- that failure to obtain clothing will result in imminent danger to his physical health as required by Section 59 (1) (a) and (b) (i) of the EAR.

## PART D – Relevant Legislation

Employment and Assistance Act – EAA- Section 4

Employment and Assistance Regulation – EAR- Section 59 (1)

## PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation.

The evidence before the ministry at the time of reconsideration consists of a Request for Reconsideration signed and dated May 2, 2016 which stated the following:

- the appellant's clothes were bleached at the laundromat when he stepped out from the laundromat to purchase soap; and
- the appellant checked with two local charity organizations for clothing but they did have any for him.

### **Evidence On Appeal**

In the Notice of Appeal, signed and dated May 24, 2016, the appellant stated: "My clothes were bleached. I have no clothes. I went to everywhere look [for] clothes."

### **Evidence At the Hearing**

At the hearing the ministry relied on its reconsideration decision and added that the evidence indicates that the appellant tried only two community resources for clothing. In response to a question from the panel the ministry stated that it is unknown if the appellant chose to divert some of his income assistance to shelter costs or if it was the reality of the rental market in his area.

## PART F – Reasons for Panel Decision

The issue before the panel is the reasonableness of the ministry's reconsideration decision which held that the appellant is not eligible for a crisis supplement to purchase clothing pursuant to Section 4 of the EAA and Section 59 (1) of the EAR. The ministry determined that the appellant's need for clothing is not unexpected, that there is no indication that the appellant did not have other resources available to him to meet his need for clothing and that failure to receive the requested crisis supplement will result in imminent danger to his physical health.

### **EAA**

#### **Assistance and supplements**

4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

### **EAR**

#### 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*.

### **Position of the Parties**

Based on what he stated in his request for reconsideration and his notice of appeal, the appellant's position is that he left his clothes at the laundromat to get soap from a store in the same complex as the laundromat. While away, someone poured bleach over his clothes and ruined them. He tried to obtain more clothes from two local charities but was unsuccessful.

The ministry's position is that the appellant has not met the criteria to be eligible for a crisis supplement for clothing pursuant to section 59(1) of the EAR. Specifically, when belongings are left unattended it is expected that they could be stolen or damaged therefore in the case of the appellant clothing or the expense of clothing is not unexpected. There is no evidence that the appellant lacks resources to meet his need because he has diverted some income assistance funds to shelter costs and there is no evidence that he exhausted community resources. Finally, there is no evidence that failure to obtain clothing would cause an imminent danger to his physical health.

### The Panel Decision

Section 59 (1) (a) of the EAR states that the minister may provide a crisis supplement to or for a family unit that is eligible for income assistance or hardship assistance if the family unit or person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed. The appellant admits to leaving his clothes unattended while he went to get soap to do his laundry. However the panel finds that the appellant had no way of knowing that someone would bleach his clothing in his absence. Therefore the panel finds that clothing is needed unexpectedly or an unexpected expense in the case of the appellant. The panel finds that the ministry did not reasonably determined that the need for clothing was unexpected or unexpectedly needed.

In regards to the second part of Section 59 (1) (a) of the EAR – the requirement that there are no alternate resources available to the family unit to meet an unexpected expense or obtain an item – the appellant indicated that he tried to obtain clothing from 2 local charities and did not dispute the ministry claim that he chose to divert a portion of his income assistance for shelter costs to live in a residence that exceeds his shelter allowance. The panel finds that the evidence presented does not establish that the appellant exhausted the community resources available to him and that there is no evidence presented demonstration that he did not have other funds available to him. The panel finds that the ministry reasonably determined that the appellant has not established that other resources were not available to meet his need for clothing.

In respect to Section 59 (1) (b) (i), the appellant does not argue that his physical health is in imminent danger due to the failure to obtain clothing nor has he provided evidence to establish that there is imminent danger to his physical health. The panel also notes that the appellant stated that he has some clothing items. The panel finds that the evidence does not establish that failure to obtain clothing items will result in imminent danger to the appellant's health and therefore finds that the ministry's decision stating that there is no evidence establishing that failure to obtain clothing will result in imminent danger to the appellant's physical health was reasonably supported by evidence.

### **Conclusion**

The evidence establishes that not all of the criteria of Section 59 (1) (a) and (b) of the EAR have been met. The panel therefore finds that the ministry's decision to deny the appellant's request for a crisis supplement for clothing was a reasonable application of the legislation and was supported by the evidence. Therefore, the panel confirms the ministry's reconsideration decision.