

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (“the ministry”) Reconsideration Decision of May 12, 2016 in which the ministry determined that the appellant was ineligible for a crisis supplement for clothing for the month of January 2016 because he did not meet the legislative criteria set out in Section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), specifically that he did not demonstrate that:

- his need was unexpected;
- there were no alternate resources available; and
- failure to obtain the clothing would result in imminent danger to his physical health.

PART D – Relevant Legislation

Employment and Assistance for Person with Disabilities Regulation (EAPWDR), Section 57(1).

PART E – Summary of Facts

The appellant is a single recipient of disability assistance with no dependents.

The evidence before the ministry at reconsideration included the following:

- Request for Reconsideration submitted to the ministry on May 9, 2016 in which the appellant noted that:
 - he used the remainder of his last disability assistance cheque to pay for transportation in order to attend appointments; and
 - he had to pay for medical needs, medications, and seeing his doctor to have notes signed.

In his Notice of Appeal dated May 31, 2016 the appellant noted that his monthly disability allowance is \$926. He attached the following list of his monthly expenses:

Rent	\$375
Food	\$209
Dog food	\$ 50
Storage	\$120
Medicine	\$ 60
Doctor's visits	\$ 60 (transportation and obtaining signed doctors' notes)
Phone	<u>\$ 50</u>
Total:	\$924

At the hearing the appellant stated that he has no extra money to buy clothes. He said that his dog was hugely important to him, and he couldn't give him up. He confirmed that the expenses described on the list he enclosed in his notice of appeal represented his regular monthly expenses at the time of reconsideration. His \$120 monthly storage cost relates to belongings he put into storage in his former province when he moved to British Columbia 5 years ago.

The ministry did not object to the admission of the appellant's additional information. The panel determined that the additional written and oral evidence of the appellant regarding his monthly expenses was admissible under Section 22 (4) of the Employment and Assistance Act as evidence in support of the records before the ministry at reconsideration because it provided more detailed information relating to his monthly costs, which he had referred to at the time of reconsideration and which were related to his eligibility for a crisis supplement, which is the subject of this appeal.

The ministry relied on the reconsideration decision.

PART F – Reasons for Panel Decision

The decision under appeal is the reasonableness of the ministry's reconsideration decision of May 12, 2016 in which the ministry determined that the appellant was ineligible for a crisis supplement for clothing for the month of January 2016 because he did not meet the legislative criteria set out in Section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), specifically that he did not demonstrate that:

- his need was unexpected;
- there were no alternate resources available; and
- failure to obtain the clothing would result in imminent danger to his physical health.

The relevant legislation is as follows:

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*.

The appellant's position is that there is no money left from his disability assistance once he has paid his regular monthly expenses. He adds that the expenses relating to his dog are necessary because the dog is very important to him. He found that the clothing in his local thrift shops either did not fit or were in poor condition. He believes that the ministry has been unfair in refusing him a crisis supplement for clothing because he has lived in British Columbia for 5 years and has never asked additional assistance.

The ministry's position is set out in the reconsideration decision, summarized as follows:

- the need to replace clothing is not an unexpected expense;
- the appellant's support allowance is intended to cover all of his daily living expenses, including clothing, and is considered an alternate resource;
- there is insufficient evidence to support a finding that failure to obtain the clothing will result in immediate danger to the appellant's physical health.

Panel Decision

EAPWDR Section 57 (1) 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:

1. the supplement is required to meet an unexpected need;
2. there are no resources available to purchase the items; and
3. failure to obtain the items will result in imminent danger to the physical health of a member of the family unit.

All 3 of these criteria must be met before a recipient of disability assistance can be provided a crisis supplement.

1. Unexpected Need or Expense

The ministry's position is that replacement of old clothing is not an unexpected expense. There is no indication that the appellant's need for clothing arose from an unexpected event.

The panel finds that the ministry reasonably determined that the need to replace worn-out clothing was not unexpected in the appellant's circumstances.

2. No Resources Available

The ministry's position is that the appellant's support allowance is intended to cover his daily living expenses, including new or replacement clothing. The appellant states that he was unable to obtain the needed clothing and has no money left from his support allowance to purchase clothing after he has paid his regular monthly expenses. The panel is sympathetic to the importance of the appellant's dog in his life and the resulting cost of feeding his pet. However, this is a choice that the appellant has made, as is the appellant's decision to keep his belongings in storage in another province for the past 5 years at a cost of \$120 per month, for a total monthly expense of \$170 that is beyond the appellant's daily living expenses. The panel therefore finds that the ministry reasonably determined that the appellant did not demonstrate that there was a lack of resources available from his monthly support allowance available to purchase the needed items of clothing.

3. Imminent Danger to Physical Health

The ministry's position is that there was insufficient evidence provided by the appellant to support a determination that failure to obtain the needed clothing would result in imminent danger to the appellant's physical health. The appellant did not submit any evidence to the ministry regarding his physical health other than the cost of medication, transportation to the doctor and doctor's notes contained in his list of monthly expenses.

The panel finds that the ministry reasonably determined that there was insufficient evidence to determine that failure to provide the needed clothing items would result in imminent danger to the appellant's physical health.

Conclusion

The panel finds that the ministry's determination that the appellant was ineligible for a crisis supplement for clothing because the legislative criteria in EAPWDR Section 57 (1) were not met is a reasonable application of the applicable legislation in the circumstances of the appellant, and confirms the decision.