

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the Ministry) dated April 21, 2016 which held that the appellant was not eligible to receive a crisis supplement to purchase clothing because he did not meet all three legislated criteria under section 59 of the Employment and Assistance Regulations (EAR).

The ministry was not satisfied that:

- a) the supplement was needed to meet an unexpected expense or obtain an item that was unexpectedly needed;
- b) he did not have resources available to the family unit;
- c) failure by the ministry to meet the expense or obtain the item will result in imminent danger to the appellant's health or the removal of a child under the *Child, Family and Community Service Act*.

PART D – Relevant Legislation

Employment and Assistance Regulations (EAR), Section 59

PART E – Summary of Facts

The evidence before the Ministry at the time of reconsideration included the following:

- A submission letter dated April 19, 2016 from the Appellant that states “I had someone accidentally pour bleach in my laundry. I tried thrift stores, the Friendship Center in Mission, and community services to have my clothes replaced. I only have one shirt and one pants. The rest are all ruined. I asked for crisis clothing and was denied by one worker. I phoned again and talked to another worker, and she said I could get \$100.00 for clothes. She then phoned me back and said sorry she couldn’t issue me a check because I was denied.”

The Appellant is in receipt of income assistance as a sole recipient. He has Persons with Multiple Barriers (PPMB) designation. His monthly assistance is \$657.92 (\$282.92 support plus \$375.00 shelter).

The Appellant last received a crisis supplement for clothing in March 2015. He stated that at the time his laundry basket broke, so he put his clothing in a trash bag outside while he was waiting for a ride. He stated that his landlord put the bag in the trash and the garbage was collected before he went back outside.

On April 11, 2016, the Appellant requested a crisis supplement for clothing. He stated that he left his clothing unattended for a minute at the laundromat and while he was outside, someone poured bleach on his clothing. He stated that he did not notice that bleach had been put on his clothing until he went to dry his clothing.

It was noted that there are signs in laundromats warning that customers should not leave clothing unattended.

The Appellant’s request for a crisis supplement was denied because, in the Ministry’s view, the situation presented did not demonstrate an unexpected need or expense, nor was it demonstrated that there was any danger to physical health from wearing clothing that had been bleached.

In his Notice of Appeal the Appellant stated that “I had all my clothes ruined by accident while doing laundry. They got bleached by someone. Everything was ruined.” He included notes he made on a copy of the Integrated Case Management Decision Report as follows. “1. One worker denied me. 2. Another worker accepted my request. Why would one deny and another accept?”

At the hearing, the witness provided evidence that she was in the vicinity of the laundromat when bleach was poured on the Appellant’s clothes and confirmed that the clothes were damaged by the bleach. The panel determined that the additional oral evidence provided by the witness was admissible under s.22(4) of the Employment and Assistance Act (EAA) as it was in support of the information and records before the Minister at reconsideration.

The Appellant stated that he saw another person pouring bleach into his laundry, thinking it was hers. He stated that he was unable to act quickly enough to stop her, and that she apologized for pouring bleach into his laundry. When asked, she stated she would be unable to help him to pay for replacement clothes because she was on social assistance. He stated that he has attempted to obtain replacement clothing from the local Friendship Center and Salvation Army Thrift Store but that the clothing there will not fit him due to his slight stature. He stated that his clothes were severely damaged and falling apart and that this was making it difficult for him to effectively search for work. He stated that if he were to find work, he could suffer from heatstroke because his only remaining clothes are heavy.

The Appellant stated that after his clothes were damaged he talked to the Ministry by telephone seeking assistance and was told that his request was denied. The next day he called the Ministry again and this time was told that his request would be approved and a cheque would be issued for pickup that afternoon. The Appellant stated that later that same day the Ministry worker called him back apologizing to him and stated that



his request for a clothing supplement had been denied because his former request was denied. The Appellant questioned why one worker would deny his request and then another worker would approve it.

The Ministry relied on the facts as stated in the Reconsideration Decision.

PART F – Reasons for Panel Decision

The issue under appeal is whether the Ministry's reconsideration of April 21st, 2016 which determined that the appellant was not eligible for a crisis supplement for clothing under section 59 EAR because he did not meet all the legislated criteria set out in section 59 EAR is reasonably supported by the evidence or is a reasonable application of the legislation in the circumstances of the appellant;

The Ministry was not satisfied that:

- a) the supplement was needed to meet an unexpected expense or obtain an item that was unexpectedly needed;
- b) he did not have resources available to the family unit;
- c) failure by the Ministry to meet the expense or obtain the item will result in imminent danger to the appellant's health or the removal of a child under the *Child, Family and Community Service Act*.

The following legislation applies to this appeal:

EAR Section 59

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*](#).

UNEXPECTED EXPENSE OR UNEXPECTED NEED

The Appellant argued that he was unable to prevent bleach being poured on his clothes and that the damage was unexpected.

The Ministry argued that unattended clothing is always at risk of being stolen, lost or damaged, and notes that laundromats post signs warning against leaving laundry unattended, and that therefore the damage to the Appellant's clothing cannot be regarded as unexpected.

PANEL DECISION

The panel finds that the known and advertised risk associated with leaving clothes unattended in a laundromat and the Appellant's own recent experience of having his clothes accidentally disposed of while left unattended, does not support the Appellant's position, and that the Ministry reasonably determined that the damage to the

Appellant's clothes was not unexpected.

ALTERNATE RESOURCES

The Appellant argued that it has been impossible for him to replace his damaged clothing because the person who damaged them cannot help him and because he has been unable to find suitable replacements by visiting the local Thrift Store, Friendship Center and Community Services.

The Ministry argued that because the Appellant receives support allowances which are intended to be used for day to day items such as clothing, he has resources available to him to replace the damaged clothing. The Ministry also argued that there are additional resources available in the community which would help the Appellant replace his damaged clothing.

PANEL DECISION

The panel finds that the Appellant is in receipt of support allowances, and there are other sources of clothing available in the community, and the Ministry reasonable determined that the Appellant does have alternative resources.

IMMINENT DANGER TO PHYSICAL HEALTH

The Ministry argued that there is insufficient evidence to conclude that a failure to replace the damaged clothing would result in imminent danger to the physical health of the Appellant.

THE Appellant told the panel that he is a healthy person but he only has one pair of jeans and one shirt and has had to look for work wearing ragged jeans. The Appellant also stated that his clothes are heavy and if he tried to work he could suffer heatstroke.

PANEL DECISION

The panel finds that while having clothing damaged by the application of bleach may be inconvenient, failure to replace it cannot be regarded as resulting in imminent danger to the Appellant's physical health.

For these reasons, the panel finds the Ministry's decision was reasonably supported by the evidence and confirms the decision