

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 June 1, 2016, which determined that the appellant was not eligible for a crisis supplement to purchase food because the appellant did not meet all of the criteria set out in Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation. Specifically, the ministry found that the appellant was not eligible for disability assistance or hardship assistance. In addition, the ministry found that, had she been eligible for disability assistance or hardship assistance, the information provided did not establish that the crisis supplement was required by the appellant to meet an unexpected expense or obtain an item unexpectedly needed. The ministry determined that the appellant did not have alternate resources available and that failure to obtain food would result in imminent danger to her physical health.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAR), Section 5
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), Section 57

PART E – Summary of Facts

The information before the ministry at the time of reconsideration relevant to this appeal included the following:

- 1) A Request for Reconsideration, signed and dated May 17, 2016, which states in part that the appellant was told by her caregiver that the ministry had told her caregiver that the food crisis supplement was authorized and that the ministry needed to speak with her to confirm the supplement, but when the appellant called the ministry on the following day, the ministry told her that the crisis supplement was denied, and a handwritten note beside a ministry statement in Section 2 of the Request for Reconsideration saying that the appellant had explained to the ministry that she had recently incurred moving costs and extra transportation;
- 2) A handwritten letter to the ministry dated May 18, 2015 signed by the appellant asking that her medical transportation supplement be increased from \$30 to the previous amount of \$157.50 because she had insufficient funds at the moment;
- 3) A handwritten note addressed to the ministry dated April 15, 2011 signed by a friend and roommate that stated in part that the appellant's and her roommate's bills got paid "as best we can" and that there were insufficient funds each month;
- 4) Copies of a Faresaver ticket book of 10 tickets for \$21.00 and four taxi receipts, dated April and May 2016, totalling \$192.60.

The appellant had been receiving disability assistance as a sole recipient prior to May 2016. A separate reconsideration decision dated April 14, 2016 and currently under appeal determined that future disability assistance was denied on the basis that the appellant has a dependent spouse and the appellant has not applied for assistance on behalf of the entire family unit. Pending the results of the separate appeal, the ministry had paid benefits under appeal to the appellant for the months of May and June 2016.

In her Notice of Appeal dated June 8, 2016, the appellant expressed her disagreement with the ministry's reconsideration decision regarding the food crisis supplement and wrote that the decision was unfair because the ministry said that she could have the crisis grant at one point.

The appellant did not attend the hearing. After confirming that the appellant had received notice of the time, date and place of the hearing at least two business days before the commencement of the hearing, as required under EAPWDR Section 85(2), the hearing proceeded without the appellant present.

At the hearing the ministry relied on the evidence presented in the reconsideration decision and summarized that evidence for the panel. In addition, the ministry stated that the appellant receives an annual specialized transportation service bus pass.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision dated June 1, 2016, wherein the ministry denied the appellant a crisis supplement for food. The basis for the ministry's decision was that the appellant did not satisfy the statutory criteria as set out in section 57(1) of the EAPWDR. The ministry held that, while the appellant did not have alternate resources available and that failure to obtain food would result in imminent danger to her physical health:

- 1) The appellant is not eligible for disability assistance or hardship assistance; and,
- 2) The appellant did not require the supplement to meet an unexpected expense or obtain an item unexpectedly needed.

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*.

(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;
- (c) if for clothing, the amount that may be provided must not exceed the smaller of

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- (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.

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The Panel Decision

Ministry's Position

The ministry's position is that the appellant cannot be provided with a crisis supplement in May 2016 because she was not eligible for disability assistance or hardship assistance for that month. EAR Section 57(1) says that a crisis supplement may be given to a person who qualifies for disability or hardship assistance if additional conditions are met, but there are no other provisions in the legislation or regulations that permit the minister to provide a crisis supplement to anyone else. Even if the appellant were eligible for disability assistance or hardship assistance in May 2016, a crisis supplement for food could not have been provided because she did not meet one of the necessary three criteria; namely in this instance, a crisis supplement for food is not required to meet an unexpected expense or obtain an item unexpectedly needed.

Appellant's Position

The appellant's position is that she explained to the ministry that she had experienced moving costs and extra transportation costs recently, which represented unexpected expenses and left her without the resources available to pay for food. In addition, her position is that the ministry had initially agreed to pay the crisis supplement for food but then reversed that decision the next day. The panel accepted as written argument the appellant's comments in the Notice of Appeal that the decision was unfair because the ministry had told her previously that she could have the crisis supplement.

Eligibility for Disability Assistance or Hardship Assistance

A separate ministry reconsideration decision determined the appellant was not eligible for disability for May 2016. The appellant was also not found to be eligible for hardship assistance for May 2016. Section 57(1) EAPWDR states that a crisis supplement may only be provided “to or for a family unit that is eligible for disability or hardship assistance.” As the appellant is not eligible for either disability or hardship assistance, the panel finds that the ministry’s decision that she is not eligible for a crisis supplement under Section 57(1) to be a reasonable application of the legislation.

The Existence of an Unexpected Expense or Unexpected Need

Even when a family unit is eligible for disability assistance or hardship assistance, Section 57(1)(a) specifies that the crisis supplement must be for an “unexpected expense” or to obtain an item “unexpectedly needed”. The appellant has provided insufficient evidence as to why her need for food is “unexpected”. The costs the appellant experienced in moving to her current community and the additional costs in April and May for taxis and the Faresaver tickets, which appear to be discretionary expenditures (in light of the fact that the appellant has been provided with a specialized transportation service bus pass), do not change her regular need for food items into an “unexpected expense” or items “unexpectedly needed”.

In the circumstances of the appellant’s case, and for the foregoing reasons, the panel finds that the ministry was reasonable in concluding that the appellant has not satisfied the legislative criterion that her need for food was “unexpected”.

Conclusion

Because all of the criteria in EAPWDR Section 57(1) must be met for the provision of a crisis supplement for food, the panel finds that the ministry’s decision to deny the appellant a crisis supplement for food was a reasonable application of the applicable enactment in the circumstances of the appellant. The ministry’s decision is confirmed and the appellant was not successful in her appeal.