



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of May 24, 2016 wherein the ministry denied the appellant a crisis supplement for clothing because the appellant did not satisfy all three statutory criteria set out in section 59(1) of the Employment and Assistance Regulation (EAR). The ministry was satisfied that the appellant’s need for clothing was unexpected but held that:

1. there were alternate resources available to the family unit, and
2. failure to meet the expense would not result in imminent danger to physical health.

PART D – Relevant Legislation

EAR, section 59

PART E – Summary of Facts

The evidence before the ministry at the time of reconsideration:

- Request for Reconsideration dated May 12, 2016.

On May 3, 2016 the appellant contacted the ministry to request a crisis supplement for clothing. The ministry requested additional information which was not provided by the appellant and her file was closed.

On May 9, 2016 the appellant again requested a crisis supplement for clothing. The appellant stated that all her belongings were stolen from her previous residence when it was broken into one month ago. The ministry worker (EAW) asked about alternate resources and the appellant replied that she had been to a couple of resource centers. When the EAW asked about possible danger to her health if crisis supplement was not provided and she replied, “none”. The appellant provided the EAW with a police file number to reference.

On May 10, 2016 the EAW reviewed the appellant’s request. The appellant did not provide any additional information than what was provided previously. The ministry denied the appellant’s request for a crisis supplement for clothing because she had not explored the many resources in the community to obtain clothing and because she had not indicated that she was in imminent danger from a lack of clothing.

At the hearing the appellant stated the place she was living had been burglarized several times which resulted in her clothing, identification, rent money, dishes and other personal items being stolen. She provided the EAW with police file numbers. The appellant stated that she does not have any family close by that she can reach out to for assistance and her only child resides with her brother in another community. The appellant stated that she had tried other community agencies to find clothes and while some were able to provide her clothes some did not have anything that she needed or they did not provide free clothing. She stated she wanted and needed new shoes and undergarments. The appellant stated that she needed clothing that would improve her appearance or improve her self-esteem so she could apply for a job. The appellant stated she was not going to die because she did not have clothing but she wanted to buy some new things because it would improve her mental health and well-being which is also important and it is important to her on how she presents herself and on how she is seen in the community.

The panel found the appellant’s testimony provided information that was in support of the information and record that was before the ministry at reconsideration and accordingly and has admitted this information in accordance with s. 22(4) of the *Employment and Assistance Act*.

The ministry relied on the facts stated in the Reconsideration decision.

PART F – Reasons for Panel Decision

The issue under appeal is whether the Ministry's reconsideration of May 24, 2016 which determined that the appellant was not eligible for a crisis supplement for clothing under section 59 EAR because she 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 satisfied that the supplement was needed to meet an unexpected expense or obtain an item that was unexpectedly needed, however;

The ministry was not satisfied that:

- a) she did not have resources available to the family unit; and
- b) failure by the Ministry to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit, or
- c) will result in the removal of a child under the *Child, Family and Community Service Act*.

The legislation considered: EAR

Crisis supplement

Section 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*.

Alternate Resources

The ministry's position is that the appellant lives in a large community where there are many resources available for people to obtain free clothing. The ministry argued there were other community resources available that the appellant could have attended in an attempt to replace her clothing and the ministry should be considered her last resort.

The Appellant argued that she had attended a few locations and either they did not have what she wanted or they sold the clothes rather than give them away.

The evidence before the panel is that the appellant lives in a community with a number of community resources and the appellant did not exhaust all her available resources in an attempt to replace her stolen clothes. The appellant testified that she wanted new clothes or was being selective in her choice of clothing as she was looking for clothes that would improve her self-esteem or how she presented herself in the community when she was seeking employment.

Panel Decision

Therefore, the panel finds that the ministry reasonably determined that the appellant has not satisfied the legislative criterion that she had no resources available to acquire clothing.

Imminent Danger to Physical Health and Threat of Removal of Child

The ministry argued the appellant did not provide any information that her physical health would be in

imminent danger if she did not get the crisis supplement to obtain clothing. The ministry also argued the appellant is a single recipient of income assistance whose child is not living at home with her.

The appellant argued that her mental health is as important as anything. She did not argue that her physical health was in danger because she needed clothing.

Panel Decision

The panel finds there is no evidence to support that the appellant's physical health was in imminent danger because of her need for clothing. The evidence is that the appellant's only child lives in another community and does not reside with the appellant, and the panel finds there was no threat that her child would be removed if she was not eligible for a crisis supplement for clothing.

The panel finds the ministry was reasonable in determining that the appellant has not satisfied the legislative criterion related to "imminent danger to physical health" or the "removal of a child under the *Child, Family and Community Service Act*".

Conclusion

Since the Ministry reasonably determined that all the criteria in EAPWDR section 57 have not been satisfied, the panel finds that the ministry's decision to deny the appellant a crisis supplement for clothing was reasonably supported by the evidence. The ministry's decision is confirmed.