

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) dated June 28, 2016 that denied a crisis supplement for an air conditioner. The ministry held that an air conditioner did not qualify as medical equipment in accordance with the Employment and Assistance for Persons with Disabilities Regulations (EAPWDR) Schedule C. The ministry also noted that section 57 EAPWDR states that the minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance. The ministry held that the appellant is not eligible for disability assistance or hardship assistance and is eligible for Medical Services Only (MSO). The ministry further held that the appellant did not meet all of the requirements for a crisis supplement as required in section 57 of the regulation, specifically that there are no resources available to the family unit.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 57

PART E – Summary of Facts

**The information before the Ministry at reconsideration included the following:**

- The appellant is eligible for Medical Services Only (MSO) and is not eligible for disability assistance or hardship assistance.
- The appellant suffers from Multiple Sclerosis (MS)
- On April 6, 2016 – a prescription from the appellant’s physician stating that the appellant requires an air conditioner for medical reasons.
- The appellant’s spouse receives Canada Pension Plan benefits of \$623.58 per month and private pension plan benefits of \$1,400 per month.
- June 14, 2016 – the appellant signed the Request for Reconsideration stating the following:
  1. She states that hot weather is causing confusion, loss of vision and loss of mobility causing falling and the inability to get out of bed on her own.
  2. Her doctor provided her with a prescription for an air conditioner that she delivered to the ministry on April 11, 2016.
  3. The ministry worker asked her to get quotes for the air conditioner, which she did and provided a quote from a retail supplier in the amount of \$4,369.81.
  4. She states that she was born with Cerebral Palsy.
  5. She states that her spouse has a disability.
  6. She states that on May 31, 2016 a ministry worker told her to get the air conditioner right away.
  7. She states that on June 1, 2016, she was advised by the ministry that her request for an air conditioner was denied.
  8. She states that she lives in a single wide trailer and it gets very hot in the summer.

**Notice of Appeal dated June 29, 2016, the Appellant stated the following:**

1. She disagrees with the ministry’s reconsideration decision because the ministry states that she purchased an air conditioner prior to learning that her request had been denied.
2. She states that at no point did she purchase an air conditioner nor get it, and she was told by the retail store that she would have to go back to the ministry office as a worker wanted to talk with her. This was when she learned that she had been denied.

3. She states that she has no financial resources.

**At the hearing**

The appellant testified that:

- the ministry had erred in the Reconsideration Decision when it was stated that the appellant had already purchased the air conditioner prior to learning that the request for assistance had been denied. The appellant provided a document from the retail supplier providing evidence that the air conditioner had not been purchased.
- The appellant has no financial resources available to purchase an air conditioner.
- The other two criteria for a crisis supplement have been met to the satisfaction of the ministry.

The panel finds the appellant’s testimony contains information that is in support of the information and record that was before the ministry at the time the reconsideration decision was made and therefore is admissible as evidence under Section 22(4) of the *Employment and Assistance Act* (“EAA”).

The ministry testified that the appellant is not eligible for disability assistance or hardship assistance and is eligible for Medical Services Only (MSO) and under the legislation, the appellant is ineligible for a crisis supplement. Further, an air conditioner is not included as a health supplement in the legislation.

**Finding of Fact:**

1. The regulations do not list an air conditioner as a health supplement.
2. The appellant is not eligible for disability assistance or hardship assistance
3. The appellant is eligible for MSO.
4. EAPWDR Section 57 does not allow for crisis supplement for MSO recipients.
5. The appellant did not purchase the air conditioner and did provide a quote from the retail supplier as requested by the minister.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision to deny the appellant a crisis supplement for an air conditioner was a reasonable application of the legislation in the circumstances of the appellant. Specifically, whether the ministry reasonably determined that the appellant did not meet the criteria for a crisis supplement as set out in section 57 of the EAPWDR because the legislation states that the minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance. The ministry held that the appellant is not eligible for disability assistance or hardship assistance and is eligible for Medical Services Only (MSO). The ministry further held that the appellant did not meet all of the requirements for a crisis supplement as required in section 57 of the regulation, specifically that there are no resources available to the family unit.

### **Relevant Legislation:**

Section 57 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, and

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

(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.
- (BC Reg. 13/2003)

**Panel Decision:**

Relevant to this case is section 57(1) of the EAPWDR that states "The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance." The appellant is ineligible for disability assistance or hardship assistance and is eligible for medical services only, therefore the panel finds the ministry was reasonable to deny a crisis supplement.

Section 57 of the EAPWDR states there are specific conditions that must be met in order to qualify for a crisis supplement. The panel must consider the facts of this case as it applies to the legislation. The ministry held that the criterion that the appellant is unable to meet the expense or obtain the item because there are no resources available to the family unit, was not met. The appellant argues that the ministry mistakenly believed that she purchased the air conditioner before her request was denied by the ministry is supported by the evidence, however the appellant has not demonstrated to the panel that she has no resources available. The panel finds that the ministry reasonably concluded under section 57(1)(a) EAPWDR there is insufficient evidence that there is a lack of resources available to budget for the purchase of an air conditioner.

In summary, the panel finds that the ministry's decision that the appellant is not eligible for a crisis supplement under section 57 EAPWDR because the appellant is ineligible for disability assistance or hardship assistance is supported by the evidence and is a reasonable application of the legislation in the circumstances of the appellant. The panel confirms the ministry's decision in accordance with section 24(1)(a) and 24(2)(a) of the Employment and Assistance Act.