

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (“the Ministry”) reconsideration decision dated July 11, 2016 which held that the appellant was only entitled to a portion of the requested crisis supplement, \$60.17, the amount remaining in the appellant’s yearly crisis supplement limit established under section 57(5) and (6) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The Ministry found that the appellant did meet all three of the statutory requirements of Section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation*, (“EAPWDR”) of eligibility criteria for a crisis supplement:

1. The need for the item is unexpected or there is an unexpected expense **and**
2. There are no resources available **and**
3. Failure to obtain the item or meet the expense will result in imminent danger to physical health or the removal of a child under the *Child, Family and Community Service Act*

## PART D – Relevant Legislation

*Employment and Assistance for Persons with Disabilities Act* (EAPWDA), 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 included the following:

- The appellant has been in receipt of disability assistance as a single parent of one dependent child. The appellant's file was opened in November 26, 2002 and reopened February 17, 2005.
- A request by the appellant for a crisis supplement to purchase a bed for the dependent child dated June 16, 2016. The appellant submitted that:
  - the dependant son has a medical condition;
  - the bed the child was sleeping in was leased but the appellant could no longer make payments so the bed was no longer available for use
  - community resources do not have the type of bed the child requires due to the medical condition
- A letter from the GP dated June 17, 2016 confirming the child's diagnosis and need for a specific tempurpedic bed. Three quotes for beds ranging in price from \$771 to 2,185.91
- The decision on June 23, 2016 where the minister determined that the appellant was ineligible for a crisis supplement for furniture. The letter to the appellant advising them of the decision and the request from the appellant to reconsider the decision.
- The signed Request for Reconsideration dated June 24, 2016 with a revised letter from the GP. A statement from the appellant explaining that the child needs a tempurpedic bed for his medical condition and that a more-in depth note from the son's doctor advising so was included. The doctor's note reiterates the information of his previous letter and states that a specific tempurpedic bed is medically necessary.
- The appellant's maximum monthly amount of disability assistance for support and shelter is \$1,242.08. Her file indicates that she had been issued \$ \$2,423.99 in crisis supplements since August 2015.

### Additional Information

The appellant's Notice of Appeal signed and dated June 14, 2016, included arguments which is set out in Part F of the panel's decision. The appellant states that she disagrees with the decision because her child has a medical condition and she has proof of this. She further adds that the portion they are approved to receive "\$60.00" would not cover the cost of a new bed. If not approved the appellant states that she will 'go to the MLA'. This information was accepted as argument.

Neither the appellant nor the ministry introduced any additional evidence on appeal.

## PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's reconsideration decision, which found that the appellant is only eligible for a portion of the requested crisis supplement, \$60.17 in accordance with the maximum yearly crisis supplement amount determined under section 57(5) and (6) of the EAPWDR was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

The relevant legislation under Section 57 of the *EAPWDR* is as follows:

### **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.

The appellant's position is that the amount remaining in the yearly crisis supplement limit of \$60.17 does not cover the cost of the bed required for her dependent son. The appellant further expressed that her 'disabled child' might be considered under a separate application file and could in fact qualify for the crisis supplement.

The ministry's position, as set out in the reconsideration decision, is that the appellant is eligible for a crisis supplement for \$60.17. The ministry determined that all three statutory requirements under s57(1) of the EAPDR are met. Under s.57 (5) of the EAPDR, there is a limit to the amount of crisis supplements the appellant may be issued every 12 months. The maximum monthly amount of assistance for support and shelter is used to calculate the amount available as a crisis supplement for the 12 month period immediately before the date of application. In this case only \$60.17 remains available because the appellant has received crisis supplements in the preceding 12 months. The Ministry addressed the appellant's concern and stated that the monthly amount for the crisis supplement under the EAPDR is one amount for the entire family. The appellant's son would fall under the family unit and would not be able to receive separate funding under s.57 (5) of the EAPDR.

#### Eligibility for Crisis Supplement

Pursuant to Section 57(1) of the EAPDR a crisis supplement may only be provided if all three of the eligibility criteria are met and in addition; the cumulative amount of the crisis supplement under Section 57(5) available to a family unit in the preceding 12 month period has not been exceeded.

The appellant stated that the cost of the dependant child's previous bed was financed, but that she could not make the payments, so the bed is no longer available for use. It was accepted by the Ministry that the need for the item was unexpected because the bed was repossessed. Therefore criterion #1 had been met.

The GP stated in a letter that the child requires a specific tempurpedic bed due to his medical condition. The appellant stated that this type of bed is not available through community resources. Based on the specific type of bed that the child requires due to his medical condition, the minister is satisfied that there are no resources available to meet the child's needs. Therefore criterion #2 had been met.

The GP confirmed in a letter that the child had a medical condition and stated that the dependant “requires a specific tempurpedic bed for this problem as it is medically necessary.” Based on the medical condition and the doctor’s statements, the minister was satisfied that failure to obtain a crisis supplement to meet the child’s need for a bed will result in imminent danger to his physical health. Therefore, criterion #4 had been met.

#### Yearly Crisis Supplement Limit

Section 57(5) of the EAPWDR limits the amount of crisis supplement that the appellant may be issued every 12 months. This amount of assistance is twice the maximum amount of assistance for support and shelter. The yearly crisis supplement limit amounted to \$2,484.16. A file review indicated that the appellant had been issued \$2,423.99 in crisis supplements since August 2015, leaving only \$60.17 available.

#### *Panel Decision*

In the absence of any evidence or argument disputing the amount already disbursed from the yearly crisis supplement maximum amount, the panel finds that the ministry reasonably determined that the appellant would be entitled to the portion that is remaining from the yearly crisis supplement limit as established under Section 57(5) of the EAPWDA.

#### **Conclusion**

Having reviewed and considered all of the evidence and relevant legislation, the panel finds that the ministry’s reconsideration decision, which determined that the appellant was eligible for a portion of the requested crisis supplement, \$60.17, which is the amount remaining in her family unit’s yearly crisis supplement limit pursuant to Section 57(5) of the EAPWDA, was reasonably supported by the evidence, and therefore confirms the decision. The appellant’s appeal, therefore, is not successful.