

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision dated June 21, 2016, which found that the appellant is not eligible for a crisis supplement to purchase clothing as the appellant did not meet the criteria set out in Section (s.) 57(1)(b)(i) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). That is, the ministry was not satisfied the evidence established that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit.

The ministry was satisfied that the appellant's need for the requested item (clothing) was unexpected and that there was an unexpected expense. The ministry was also satisfied that there were no alternative resources available to the appellant to meet an unexpected expense or to obtain an item unexpectedly needed and therefore she met the regulatory requirements set out in s.57 (1)(a) of EAPWDR. However, the ministry was not satisfied the evidence established that failure 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 removal of a child under the Child, Family and Community Services Act, as set out in s. 57(1)(b)(i) and (ii) of the EAPWDR. Section 57(1)(b)(ii) of EAPWDR does not apply because the appellant is a single person with no dependants.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation Section 57

PART E – Summary of Facts

Evidence before the ministry at the time of the Reconsideration Decision included the following:

1) A Request for Reconsideration signed by the appellant on June 3, 2016. Included with Section C of the appellant's Request for Reconsideration was a two page hand written document reporting amongst other things that:

- In the past 4 1/2 months, she has lost 40 pounds and her clothing no longer fits her. She reports having a low energy level and provides the names of three serious chronic medical conditions with which she has been diagnosed.
- As a result of her neighbour's apartment becoming infested with cockroaches and bed bugs she had to throw out three bags of clothing and one bag containing something that is illegible, a set of sheets, and a comforter.
- She requires all of the funds she receives from the ministry to obtain the foods, vitamins and medicines that she requires daily. She has no family or friends that are able to help her, and she has been to three community organizations looking for clothing but was unable to find anything that would fit her.
- She has no clothing that fits her and requires new clothing so that she can look for work and attend tutoring. She also reports that she will not likely have a normal life expectancy

2) A hand written letter dated June 1, 2016, from the manager of the appellant's residence:

- This letter confirmed that the appellant had to throw out a number of personal items including clothing due to a neighbour's cockroach infestation.

Ministry records report amongst other things that:

- The appellant last received a crisis supplement of \$100.00 for clothing on May 22, 2015.
- The appellant is a recipient of disability assistance as a single person who communicates with the ministry through a third party agency. She receives \$1111.42 in assistance per month, including \$531.42 for support, \$375.00 for shelter, and \$205.00 for dietary and vitamin supplements.
- The appellant receives weekly assistance cheques to help her to budget her money.
- On May 16, 2016, the ministry received a request for a crisis supplement for clothing from the appellant's third party agency. The appellant reported that she had lost a dramatic amount of weight and that she was looking for work with the assistance of an agency. She reported that her clothing was falling off her, which places her in danger. She stated that she had no resources to meet her clothing needs, and that she had attempted to access clothing through three different community resources but was unsuccessful.
- On May 30, 2016, the appellant was advised by her third party agency that her request for a crisis supplement was denied. The appellant reported that she had not had a crisis supplement for over a year and requested a reconsideration of the ministry's decision.

The appellant's Notice of Appeal dated July 5, 2016.

No new evidence was submitted by the appellant and the ministry relied upon the information contained in their reconsideration decision.

PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's reconsideration decision, which found that the appellant is not eligible for a crisis supplement to purchase new clothing, was reasonably supported by the evidence and was a reasonable application of the applicable regulation in the circumstances of the appellant. The ministry was satisfied that the appellant's need for the requested item (clothing) was unexpected and that there was an unexpected expense. The ministry was also satisfied that there were no alternative resources available to the appellant to obtain the item or meet the expense therefore met the regulatory requirements set out in s.57 (1)(a) of EAPWDR. However, the ministry was not satisfied the evidence established that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit, as set out in s. 57(1)(b)(i) of the EAPWDR. In arriving at their decision the ministry relied upon the following:

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*.

Position of the Parties

The appellant's position is that she requires new clothing to replace clothing that no longer fits her because of a rapid 40 pound weight loss over 4 ½ months, and because clothing had to be thrown out as a result of an infestation of bed bugs and cockroaches from her neighbour's apartment. She states that her clothing is too big for her and is falling off and that this is dangerous. She also argues that she requires new clothing to look for work and attend tutoring,

The ministry's position is that the appellant has met the regulatory requirements set out in s, 57(1)(a) of EAPWDR however, she has not met the necessary criteria for allowing a crisis supplement set out in s. 57(1)(b)(i) of the EAPWDR.

The ministry reported in their reconsideration decision that the appellant indicated that she had no clothing that fits and that her clothing is falling off her. She reported that this is dangerous. However, the ministry argued that because the appellant offered no explanation or evidence as to why her clothing not fitting right results in imminent danger to her physical health, the criterion set out in s. 57(1)(b)(i) of the EAPWDR, has not been met.

Panel Decision

Both parties agree that the appellant lacks clothing that fits her. The panel also finds that while the

ministry reports in their reconsideration decision that the appellant has argued that her clothing being too big for her and falling off of her is dangerous, the ministry argues that the appellant has provided no explanation describing how her clothing being too big for her will result in imminent danger to her physical health. The panel finds that, while the appellant has stated that clothing being too big and falling off of her is dangerous, she provides no evidence or explanation of how or under what circumstances this would result in imminent danger to her physical health. For this reason the panel finds that the ministry's reconsideration decision was reasonably supported by the evidence and a reasonable application of s. 57(1)(b)(i) or (ii) of the EAPWDR.

While the appellant argued that she requires new clothing to replace clothing that no longer fits her because of a rapid 40 pound weight loss over 4 ½ months, and because clothing had to be thrown out as a result of an infestation of bed bugs and cockroaches from her neighbour's apartment, these arguments are not applicable to the regulatory requirements set out above in s. 57(1)(b)(i) of the EAPWDR.

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 not eligible for a crisis supplement for clothing pursuant to s. 57(1)(b)(i) or (ii) of the EAPWDR, was reasonably supported by the evidence and was a reasonable application of the applicable regulation in the circumstances of the appellant. The panel therefore upholds the ministry's reconsideration decision.