



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (“Ministry”) reconsideration decision dated June 27, 2016 in which the Ministry denied the Appellant’s request for a crisis supplement for clothing because the request did not meet the criteria in the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57. The legislation requires that the need for a crisis supplement be unexpected, that the person not have the resources available to meet the expense or obtain the item and 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 Service Act*. The Ministry determined that the Appellant did not meet two of the legislative criteria; that the Appellant had resources available to meet the expense or obtain the items and that failure to obtain clothing would not result in imminent danger to the Appellant’s physical health.

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

Information before the minister at reconsideration included:

- The Appellant's Request for Reconsideration, signed June 14, 2016, in which the Ministry noted that the Appellant had \$100 left from monthly support at the time and there should have been sufficient resources to meet immediate clothing needs.

No other evidence was provided by the Ministry or Appellant.

The Request for Reconsideration stated that the Appellant's clothes were hung outside to dry, and someone stole them. In the Notice of Appeal to the Tribunal, the Appellant wrote that after paying rent, there is only \$486.42 left for groceries.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the Ministry decision in which the Ministry denied the Appellant's request for a crisis supplement for clothing because the request did not meet the criteria in the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57. The legislation requires that the need for a crisis supplement be unexpected, that the person not have the resources available to meet the expense or obtain the item and 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 Service Act*. The Ministry determined that the Appellant did not meet two of the legislative criteria; that the Appellant had resources available to meet the expense or obtain the items and that failure to obtain clothing would not result in imminent danger to the Appellant's physical health.

Legislation

EAPWDA

Disability assistance and supplements

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

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;

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- (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.

The Appellant's position is that the clothing was stolen and there are not sufficient funds after rent to replace them.

The Ministry position is that the Appellant meets one of the three requirements for approval of a crisis supplement, that the need is unexpected, but does not meet the requirements that the Appellant is unable to meet the expense because there are no resources available and that failure to obtain clothing will result in imminent danger to physical health. The Ministry argued that there is no information provided that the Appellant tried to access any local resources to assist with immediate clothing needs or the funds available from the support allowance and that it is their opinion that failure to obtain more clothing will not result in imminent danger to the Appellant's physical health.

The Panel notes that the Ministry found that the Appellant's need was unexpected, and that criterion was met. With respect to the requirement that no resources were available to the Appellant, the Panel notes that no evidence was provided to show that the Appellant had no resources available or that the Appellant attempted to access resources in the community that provide clothing. The Ministry calculated that after paying rent, the Appellant has \$486.42 available to meet basic needs, and at the time of the Appellant's request, there was \$100.00 remaining. The Panel finds the Ministry was reasonable in determining the Appellant had alternate resources available to obtain clothing.

Regarding the Ministry's determination that the Appellant does not face imminent danger to her family unit's health or the removal of a child under the *Child, Family and Community Services Act* due to failure to obtain the requested items, the Panel finds that the Appellant has not provided evidence that the Appellant's family's health is in imminent danger due to the lack of replacement clothing. The Panel finds the Ministry was reasonable to find that the Appellant does not face imminent danger to the Appellant's or the Appellant's family unit's health or the removal of a child under the *Child, Family and Community Services Act* if the requested items are not provided.

The Panel therefore confirms the Ministry decision. The Appellant is not successful on appeal.