



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (“Ministry”) reconsideration decision dated September 23, 2016 in which the Ministry denied the Appellant’s request for a crisis supplement to pay for dress pants to attend a funeral. The Ministry found that the Appellant’s request did not meet all of the legislative criteria set out in section 57 of the Employment and Assistance for Persons with Disabilities Regulation. Specifically, the Ministry found that the Appellant did not meet the criteria that the supplement is required to meet an unexpected expense or obtain an item unexpectedly needed 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 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

Information before the minister at reconsideration included:

- The Appellant's Request for Reconsideration, signed September 9, 2016, with a note from the Appellant stating that the situation has caused him a lot of stress and anxiety which is a threat to his mental health and sobriety. He wrote that he did access resources, including his parents, and was unable to get dress pants. He wrote that the stress and anxiety is a danger to his physical health as he has had some issues with low blood pressure and irregular heartbeat in the past few months, and the relative who died was from a very traditional background, and dressing inappropriately would be disrespectful.

In his Notice of Appeal to the Tribunal, the Appellant wrote that he did not think the Ministry had the right to assume that his relative's passing was not sudden.

The Ministry relied on the summary provided in the Reconsideration Decision.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the decision in which the Ministry denied the Appellant's request for a crisis supplement to pay for dress pants to attend a funeral. The Ministry found that the Appellant's request did not meet all of the legislative criteria set out in section 57 of the Employment and Assistance for Persons with Disabilities Regulation. Specifically, the Ministry found that the Appellant did not meet the criteria that the supplement is required to meet an unexpected expense or obtain an item unexpectedly needed 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 the removal of a child under the *Child, Family and Community Service Act*.

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;
 - (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.

Unexpected expense:

The Appellant's position is that his relative's death was unexpected.

The Ministry's position is that the circumstances surrounding the relative's death are not known, and they are not satisfied that it was unexpected to the Appellant. In addition, the Ministry wrote that wearing dress pants to a funeral is a personal preference, and the Appellant has not demonstrated that he was prevented from budgeting for a pair of dress pants, therefore the minister is not satisfied that dress pants are an unexpected expense to the Appellant.

Resources available:

The Ministry wrote that this requirement was met.

Imminent danger to physical health:

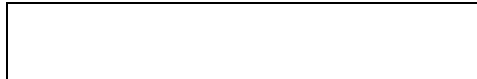
Appellant's position:

The Appellant's position is that the situation has caused him a lot of stress and anxiety which threatens his mental health and sobriety.

The Ministry's position is that the term imminent denotes a sense of urgency and they are not satisfied that the Appellant's physical health would be in urgent danger without dress pants.

Panel decision

The Panel notes the lack of information concerning the circumstances of the Appellant's relative's death; however, it is not reasonable to make a determination due to lack of evidence that the death was not unexpected. The Ministry's argument that nothing has happened that would prevent the Appellant from budgeting for a pair of pants more properly refers to resources available to meet that expense than the unexpected nature of the expense. The Panel finds that the Ministry did not reasonably determine that the Appellant's expense was not unexpected.



With respect to the requirement that failure to meet the expense will result in imminent danger to the Appellant's physical health, the Panel notes the Appellant's self-report that he has experienced stress and anxiety as a result of the circumstances surrounding his relative's death, however the requirement in section 57(1)(b), EAPWDR that failure to meet the expense or obtain the item will result in imminent danger to the Appellant's physical health has not been met. The Panel finds that the Ministry reasonably determined that this requirement was not met.

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