



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision of September 27, 2016 in which the ministry denied a crisis supplement for clothing as the request does not meet all of the criteria as required in Section 59 of the Employment and Assistance Regulations (EAR), and because the maximum available crisis supplement for clothing has been received within the preceding 12 calendar months.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), Section 59

PART E – Summary of Facts

This hearing is a written hearing as requested by the Appellant on October 4, 2016.

The appellant is a single person in receipt of income assistance.

The evidence before the ministry at the time of reconsideration consisted of the following:

- Appellant requested a clothing supplement to purchase winter clothing on September 7
- Appellant had received \$100 crisis supplement for clothing in July 2016
- Appellant informed Ministry
 - she had left an abusive relationship with only the clothes on her back in July and had gone to a town in Northern BC.
 - her ex had her clothing but it was unsafe for her to return to get them.

The Ministry accepts that:

- fleeing abuse is unexpected and has resulted in an unexpected item of need for winter boots and a winter coat so therefore criterion #1 has been met
- there are no alternate resources available so criterion #2 has been met

As part of the written appeal package, the appellant submitted

- A weather report for October 11, showing a temperature of -5C at 8:27am, with the daily high and overnight low forecast at 6C and -6C respectively
- Weather forecasts for the period October 5 – 18 and October 12 - 18 with temperatures ranging from -5 to +6 with mixed precipitation

For their written submission, the ministry relied on the reconsideration summary provided in the Ministry Decision.

Admissibility of New Evidence

In determining whether to admit the weather reports, the panel noted that the Reconsideration Decision was made on September 27, 2016, which was one week prior to the dates of the weather reports, so therefore the panel determines this to be reasonable evidence in support of the appellant's position at the time of reconsideration, which was that the weather was getting cold. Therefore the panel admitted this evidence under Section 22(4) of the Employment and Assistance Act.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry decision of September 27, 2016 in which the ministry denied a crisis supplement for clothing pursuant to Section 59 of the EAR because not all required criteria had been met, and because a crisis supplement had already been issued within the 12 month period.

The relevant legislation is as follows:

Employment and Assistance Regulations

Crisis supplement

59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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.

The Appellant's position is:

- There is no policy or logic that states when winter starts. The appellant is in Northern BC with snow in the forecast and temperature of 2 degrees. They have submitted weather forecasts as evidence that it is cold enough in Northern BC and that in appellant's community people are wearing winter gear.
- It is unreasonable to receive a crisis clothing grant only once in a 12 month period as the appellant had to obtain clothing in July to wear immediately due to her unexpected

circumstance; that she could not have been reasonably expected to obtain a winter coat and boots then as those items would have taken up the entire budget rendering her without any clothing; and that it is not reasonable to find winter items sold seasonally in July.

The Ministry's position is:

- Minister accepts that fleeing abuse is unexpected and has resulted in an unexpected item of need for winter boots and a winter coat so therefore criterion #1 has been met
- Minister accepts that there are no alternate resources available so criterion #2 has been met
- Minister is not satisfied that failure to obtain winter boots and winter coat in September will result in imminent danger to the appellant's physical health so therefore criterion #3 has not been met
- Crisis supplements provided must not exceed \$100 per person in the 12 calendar month period preceding date of application for crisis. The Appellant received \$100 crisis supplement for clothing in July 2016 so is therefore not eligible for additional crisis funds for clothing prior to August 2017 per EAR Section 59(4)(c)(i)

Panel Decision

According to Section 59 of the EAR, there are certain criteria that must be met in order to issue a crisis supplement.

In Section 59(1), the first of the criteria is that the item must be an unexpected expense or an item unexpectedly needed. The Ministry accepts this criterion has been met. The second is that there must be no other resources. The Ministry accepts this criterion has been met. The third is that failure to provide the item will result in imminent danger to the Appellant's physical health. The Ministry does not accept this criterion has been met.

The Panel finds that the Ministry's decision regarding not meeting the third criteria of imminent threat was unreasonable given the appellant's location in Northern BC in late September, supported by the evidence showing a cold temperature range, which could result in imminent danger if outdoors without appropriate attire.

Section 59(4) sets limitations to the amount of crisis supplement that may be provided for clothing, which is a maximum of \$100 in a 12 month period. The Appellant does not dispute she received \$100 in July, 2016 so therefore she has received the maximum allowable crisis clothing supplement for a 12 month period and is not eligible for another until August, 2017.

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, is a reasonable application of the legislation and supported by the evidence in the Appellant's circumstances. The panel confirms the Ministry's reconsideration decision.