

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the Ministry) reconsideration decision made under section 59(1) of the *Employment and Assistance Regulation* and dated November 16, 2016, that denied the appellant's request for a crisis supplement for a new mattress, on the grounds that while the appellant satisfied the criterion that failure to obtain a new mattress will result in imminent danger to the appellant's health, the appellant did not satisfy the 2 other criteria required. Specifically the appellant did not show that the need for a new mattress was for an unexpected need or an unexpected expense, nor did the appellant show that there were no alternate resources available with which to meet the need.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), Section 59(1)

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PART E – Summary of Facts

Nature of the Appellant's Application

The appellant applied for a crisis supplement for a new mattress, which was denied. The appellant requested reconsideration of the denial.

The appellant did not attend the hearing.

The panel finds that the appellant was notified of date, time and place of the hearing at least 2 business days before the date set for the hearing, in accordance with section 85(2) of the *Employment and Assistance Regulation (EAR)*. In accordance with section 86(b) *EAR* the panel proceeded with the hearing in the appellant's absence.

Evidence at the Time of Reconsideration

The evidence before the Ministry at the time of Reconsideration consisted of:

1. The decision to be reconsidered dated November 3, 2016
2. The appellant's request for reconsideration dated November 9, 2016, stating that the appellant has a back problem and is sleeping on a worn-out mattress
3. A copy of an undated advertisement for an almost complete bedroom set with an asking price of \$300
4. A furniture store quotation dated October 7, for 1 twin (illegible) set for \$299, and for 1 double (illegible) set for \$399, totaling \$781.76 including tax
5. An Integrated Case Management Decision Report dated November 30, 2016.

PART F – Reasons for Panel Decision

ISSUE

The issue is whether the Ministry of Social Development and Social Innovation's (the Ministry) reconsideration decision made under section 59(1) of the *Employment and Assistance Regulation (EAR)* and dated November 16, 2016, that denied the appellant's request for a crisis supplement for a new mattress, on the grounds that while the appellant satisfied the criterion that failure to obtain a new mattress will result in imminent danger to the appellant's health, but that the appellant did not satisfy the 2 other criteria required, and specifically that the appellant did not show that the need for a new mattress was for an unexpected need or an unexpected expense, and did the appellant show that there were no alternate resources available with which to meet the need, was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

RELEVANT LEGISLATION

Employment and Insurance Regulation

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)

General Scheme of the Legislation

The general scheme of Section 59 of the *EAR* is that an individual may receive a crisis supplement if three criteria are met. The first is that the Minister may provide a supplement if it is required to meet an unexpected expense or to obtain an item unexpectedly needed (section 59(1)(a) *EAR*). The second is that the person is unable to meet the expense or obtain the item because there are no resources available to the family unit (section 59(1)(a) *EAR*). The third is that the Minister must consider that failure to meet the expense or obtain the item will result in either imminent danger to the person's physical health or removal of a child under the *Child, Family and Community Service Act* (section 59(1)(b) *EAR*).

The appellant did not attend the hearing.

Section 59(1)(a) *EAR* – First Criterion - Unexpected Expense

The first part of the sub-section requires the appellant to show that a new bed was unexpectedly needed or the cost of it was an unexpected expense.

Ministry's Position

There was no evidence before the reconsideration officer that the appellant unexpectedly needed a new bed nor was there evidence of the expense for a new bed being unexpected.

Panel Finding

The panel finds that there was no evidence before the reconsideration officer to indicate whether or not the appellant's need for a new bed was or was not an unexpected expense or an expense necessary to obtain an item unexpectedly needed.

The panel finds therefore that the Ministry's determination at reconsideration that the appellant had no unexpected expense or to obtain an item unexpectedly needed was a reasonable application of the first criterion of section 59(1)(a) of the *EAR* in the circumstances of the appellant and was reasonably supported by the evidence.

Section 59(1)(a) *EAR* – Second Criterion - Inability to Meet the Expense

The second part of the sub-section requires the appellant to show that she could not meet the expense because there are no resources available to her family unit.

Ministry's Position

There was no evidence before the reconsideration officer that the appellant about whether or not the appellant had or did not have resources available to her with which to pay for a new bed. The Ministry representative submitted that a period of 3 months elapsed between the time the appellant moved her residence and when she applied for the supplement, and she therefore had a period of time to arrange her finances so as to buy a new bed. The Ministry representative also said that such evidence could have consisted of a statement as to what social assistance sources the appellant had approached to see if she could have obtained a bed from one of them, but that there was no such evidence.

Panel Finding

The Panel finds that there was no evidence before the Reconsideration officer as to what resources the appellant had or did not have at her disposal with which to acquire a new bed.

The panel finds therefore that the Ministry's determination at reconsideration that the appellant had not shown what resources were or were not available to her with which to acquire a new bed was a reasonable application of the first criterion of section 59(1)(a) of the *EAR* in the circumstances of the appellant and was reasonably supported by the evidence.

Section 59(1)(b) *EAR* – Failing to Meet an Unexpected Expense Will Result in Imminent Danger to Physical Health

This criterion was not reviewed as the reconsideration officer found that the appellant met it.

CONCLUSION

The panel finds that the Ministry's decision in denying the appellant a crisis supplement for a new bed was a reasonable application of the evidence in the circumstances of the appellant and was reasonably supported by the evidence.

The panel confirms the Ministry decision and the appellant is not successful in her appeal.