



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision dated December 1, 2016, which held that the appellant was not eligible for a crisis supplement for food because he had not demonstrated that all of the legislative criteria under section 59 of the *Employment and Assistance Regulation* had been met. The Ministry was not satisfied that the appellant had demonstrated that the need was unexpected and that there were no resources available to the appellant to meet the need.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) Section 4
Employment and Assistance Regulation (EAR) Section 59

PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under section 86(b) of the *Employment and Assistance Regulation*.

The information before the ministry at reconsideration included the following:

- The appellant is a sole recipient of income assistance since September 2016 and is receiving assistance of \$610 per month.
- The appellant received crisis supplements for food in September 2016 and October 2016.
- The appellant's shelter costs are approximately \$500 per month.
- The appellant requested a crisis supplement for food on November 9, 2016. The appellant indicated that he did not have food, was not good at budgeting and his assistance benefits were too low. The ministry worker told the appellant that a crisis supplement was to meet an unexpected need and provided examples of unexpected needs. The appellant told the ministry worker that a leak in his roof had caused him to dispose of ruined items. The ministry worker denied the request for a crisis supplement on the basis that the appellant had not met all of the legislated criteria.

In his Request for Reconsideration, dated November 19, 2016, the appellant indicated:

- He is really trying to make ends meet and will try better.
- He has attached a doctor's note.
- His food got wet and destroyed a lot of it.

Notice of Appeal

In the Notice of Appeal, dated December 7, 2016, the appellant provided the following information:

- He has fixed the roof in the RV trailer he lives in.
- He has obtained plastic containers for food.
- Water is no longer leaking in.

The panel determined the additional documentary evidence provided in the Notice of Appeal was admissible under s. 22(4) of the EAA as it was in support of the records before the minister at reconsideration.

At the Hearing

The ministry relied on the facts as stated in the Reconsideration decision.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry reconsideration decision of December 1, 2016 in which the ministry determined that the appellant was not eligible for a crisis supplement for food because he did not meet all legislated criteria in section 59 of the EAR. More specifically, the issue is whether the ministry's determination that the appellant had not demonstrated that there was an unexpected expense or item unexpectedly needed and had not demonstrated that there were no resources available to the appellant's family unit is reasonably supported by the evidence or a reasonable application of the legislation in the circumstances of the appellant.

The legislation provides:

Employment and Assistance Act

Income assistance and supplements

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

Employment and Assistance 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) removal of a child under the *Child, Family and Community Service Act*.

Unexpected Expense

Section 59(1)(a) of the *EAR* allows the minister to provide a crisis supplement to a family unit that is eligible for income or hardship assistance if the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed.

The position of the appellant, as set out in the Request for Reconsideration and Notice of Appeal is that a leak in the roof of his home caused food to get wet and be destroyed. The appellant has indicated that his RV trailer has been repaired and is no longer leaking and he has obtained plastic containers for food.

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The position of the ministry is that the appellant has not provided sufficient information to establish an unexpected need. The ministry argues that the appellant has not provided enough information to verify the leak and the extent of damage. The ministry further argues that the appellant has not provided any information about how the leak was repaired or what damage the leak actually caused.

The panel finds that the ministry's determination that the appellant has not provided sufficient evidence or information to establish an unexpected expense or an item unexpectedly needed was reasonable.

No Resources

Section 59(1)(a) of the *EAPWDR* requires an applicant requesting a crisis supplement to satisfy the minister that he or she is unable to meet the expense or obtain the item because there are no resources available to the family unit.

The appellant's submissions, as set out in the Request for Reconsideration and Notice of Appeal, do not directly address this criterion but do indicate that the appellant is really trying to make ends meet.

The ministry's position is that the appellant has not demonstrated that there are no resources available to the family unit. The ministry argues that the appellant's first avenue should be to access local resources to meet his need and the appellant has not provided any information about any attempts he has made to access local resources. The ministry further argued that there are several local resources providing food in Victoria and this information is provided to ministry clients and is also available at ministry offices.

The panel finds that the ministry's determination that the appellant has not provided sufficient evidence or information to demonstrate that there are no resources available to the appellant's family unit was reasonable.

Conclusion

The panel finds that the ministry's reconsideration decision, which held that the appellant was ineligible for a crisis supplement for food because he did not meet all of the legislated criteria in section 59 of the *EAR*, is a reasonable application of the legislation in the circumstances of the appellant and confirms the ministry's reconsideration decision. The appellant is not successful in his appeal.