



PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the "Ministry") dated December 20, 2016 in which the Ministry denied the Appellant a crisis supplement for the purchase of a new mattress because the request did not meet the necessary criteria as specified under Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically the Ministry determined the need for the new mattress is not unexpected.

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

The evidence before the ministry at reconsideration was as follows:

The appellant is a single recipient of disability assistance.

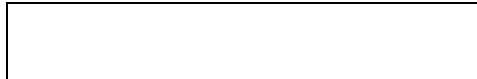
- September 30, 2016 - the appellant contacted the ministry to request a Crisis Supplement to purchase a queen mattress and box spring stating that the current bed was thirty years old and not firm enough; and stated that she has osteoporosis; and stated that she tried to find a bed at the second hand store and the Salvation Army.
- October 24, 2016 – the ministry reviewed the Crisis Supplement request and noted “appellant is PWD, due to health does she need a Hospital bed?”
- November 14, 2016 – the ministry informed the appellant that her request was denied as the information provided does not meet all regulatory criteria, specifically “the appellant’s request for a Crisis Supplement to purchase a bed is not to meet an unexpected expense or obtain an item unexpectedly needed.
- November 14, 2016 – the appellant requested a reconsideration of the ministry’ decision to deny the crisis supplement.
- December 12, 2016 – the minister received the appellant’s Request for Reconsideration along with a letter from the appellant’s physician stating that appellant requires a new supportive bed mattress because of her pain related to osteoporosis.

December 30, 2016 – the appellant writes in the Notice of Appeal – “With the age of my mattress (30 years old) and I am having bones deteriorated. I desperately need a new mattress. Right now I am sleeping on my small love seat, which is causing a lot of extreme back and hip problems.”

At the hearing:

The appellant’s advocate stated the following:

1. that 2 out of 3 of the conditions are met, and
2. On a limited income, the appellant has little opportunity to budget or even comprehend that she must budget for the purchase of a replacement mattress, and
3. The appellant has as severe physical disability and after 30 years of use, the criterion of an unexpected expense is a seriously unreasonable expectation.
4. The replacement of the mattress, in this case, is a basic human right, and the ministry is her last resort.



The appellant commented that she has been on disability assistance since 1993 and her condition is getting worse. In July 2016 she broke her arm while trying to get out of bed, the arm is still in a cast and she is required to have an additional surgery at the end of January 2017.

At the hearing the Ministry stood by the record and reiterated that the need to replace a 30 year old mattress was not unexpected.

PART F – Reasons for Panel Decision

The issue on this appeal is whether the Ministry reasonably denied the appellant a crisis supplement for the purchase of a new mattress because the need did not meet the criteria as set out in Section 57 of the EAPWDR, specifically, the need for a new mattress is not unexpected.

Relevant Legislation:

Section 5 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.

Section 57 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, 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.

(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.*
- (BC Reg. 13/2003)*

There is no dispute by either party that the appellant is a single Person with Disabilities (PWD) recipient of disability assistance and is eligible to apply for a crisis supplement as set out in section 5 of the EAPWDA.

The ministry argues that all the criteria listed in section 57 of the EAPWDR must be met to be eligible for a crisis supplement and the appellant does not meet the criterion that a family unit or a person in the family unit requires the supplement to meet an unexpected expense or that the item was unexpectedly needed. The appellant requested a crisis supplement for a mattress and box spring as she has been using the same mattress for 30 years and as such it is not unexpected that the appellant would have to replace it as it wears out.

The appellant argues that she desperately needs a new mattress right now as she is sleeping on a small love seat which is causing a lot of extreme back and hip problems. She has met 2 of the 3 conditions, she is on a limited income and has little opportunity to budget for the purchase of a mattress, she broke her arm in a fall while trying to get out of her bed, and the arm is not yet healed. In her case, the purchase of a replacement mattress is a basic human right and the ministry is her last resort.

The Panel finds that based on the evidence presented, the requirement to replace the mattress after using it for 30 years does not meet the conditions set out in s.57(1)(a) of the EAPWDR as the replacement of the mattress after it wears out is not an unexpected expense or an item unexpectedly needed.

Decision of the panel:

As all three of the legislative requirements set out in section 57(1) of the EAPWDR must be met by the appellant in order to receive a crisis supplement, the panel finds the Reconsideration Decision of December 20, 2016 was reasonably supported by the evidence, and confirms the Ministry's decision.

The appellant is not successful in her appeal.