

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of January 24, 2017 wherein the ministry determined the appellant was not eligible for a crisis supplement to purchase a washing machine under section 57 *Employment and Assistance for Persons with Disabilities Regulation (EAWDR)* because the ministry was not satisfied that failure to meet the expense or obtain the item will result in imminent danger to physical health of any person in the family unit or the removal of a child under the *Child, Family and Community Service Act* as set out in section 57(1)(b) EAPWDR.

The ministry was satisfied that, as set out in section 57(1)(a) EAPWDR, she met the following criteria:

- obtaining a washing machine was an unexpected expense or an item that was unexpectedly needed; and
- she is unable to meet the expense or obtain a washing machine because there were no resources available to the family unit.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 57

## PART E – Summary of Facts

The appellant did not attend the hearing and the panel being satisfied that she was notified of the date, time and location of the hearing, the hearing proceeded under the authority of section 86(b) *Employment and Assistance Regulation*.

The evidence before the ministry at the time of reconsideration:

- Estimates from a commercial source for clothes washing machine;
- Appellant's Crisis Supplement request dated October 22, 2016 for a clothes washer because her machine broke down; the request also indicated that the appellant had gone to several local resources without success;
- Several receipts from various commercial stores and centers for cleaning supplies, medical supplies, personal hygiene items and the local landfill.

The appellant, who has a disability designation (PWD), is a single parent with one dependent child. On October 22, 2016 the clothes washing machine stopped operating – the pump was not working. Two days later the appellant and her child were infected with head lice and scabies. Neither the appellant nor her child had experienced these infestations in the past. The appellant went to her doctor and then took her prescriptions to her local pharmacy where she learned these prescribed items are not covered by the ministry without prior approval. The prescriptions were submitted to the local ministry office. In the meantime, the appellant went to the local health clinic and was advised to wash and dry all clothing, bedding, et cetera but the appellant was not able to follow these instructions as her washing machine had broken down. On October 28, 2016 the appellant had not received approval that the ministry so she paid for the scabies medical prescriptions herself. On November 4, 2016 the ministry only approved payment for the scabies medication. Since the appellant could not wash her clothes or bedding she disposed of these items at her local landfill.

The ministry relied on the facts in the Reconsideration decision.

## PART F – Reasons for Panel Decision

### Issue under appeal

The issue under appeal is whether the ministry decision that the appellant was not eligible for a crisis supplement under section 57 of the EAPWDR for a washing machine was reasonably supported by the evidence or a reasonable application of the legislation in the appellant's circumstances. That is, was the ministry reasonable when determining that:

- it was not satisfied that failure to provide the appellant with a washing machine 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* as set out in section 57(1)(b) EAPWDR.

### Relevant Legislation

#### Crisis supplement

##### Section 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*.

### **Section 57(1)(b) EAPWDR**

#### **Imminent Danger to Physical Health of Any Person in Family Unit – section 57(1)(b)(i)**

#### Ministry Position

The ministry argued that imminent danger implies that the danger to physical health is liable to occur at any moment. The ministry argued it accepts that the appellant's medical condition does limit her mobility and acknowledges that it makes trips to and from the laundromat more difficult for her, however, she has not submitted any information that would indicate taking smaller loads to the laundromat will result in imminent danger to her physical health or anyone in the family unit. The ministry's position is that there is insufficient evidence to support a probability of immediacy that failure to provide the appellant with a washing machine will place the physical health of any person in the family unit in imminent/immediate danger.

#### Appellant Position

In the Reconsideration decision the appellant argued that she has Piriformis Syndrome that makes doing laundry at a laundromat an imminent danger to her physical health and she provided a pamphlet to the ministry that outlines the symptoms and treatments for this disease to support her position.

### Panel Decision

In the Sports Medicine Patient Advisor pamphlet provided by the appellant, Piriformis syndrome refers to irritation of the sciatic nerve as it passes through the piriformis muscle located deep in the buttock. Inflammation of the sciatic nerve, called sciatica, causes pain in the back of the hip than can often travel down into the leg. It states treatment may include placing ice packs on your buttocks for 20 to 30 minutes every 3 to 4 hours for the first 2 to 3 days or until the pain goes away; rest; taking prescribed anti-inflammatory medications or muscle relaxants; and, learning and doing stretching exercises of the piriformis muscle. The pamphlet states the piriformis syndrome is best prevented by stretching the muscles that rotate your thigh inward and outward and to have a good warm up before starting your sport or activity.

The panel finds the pamphlet provided by the appellant does not support her position that by going to a laundromat her physical health will be imminent danger and there is no medical evidence before the panel to support the appellant's position.

The panel finds the ministry's decision that the appellant had not met the legislated criterion related to "imminent danger" as set out in section 57(1)(b)(i) EAPWDR was reasonable.

### **Removal of Child under *Child, Family and Community Service Act* – section 57(1)(b)(ii)**

The ministry's position is that the appellant has a dependent child who was not in danger and therefore not at risk of being removed from the appellant's home if the ministry did not provide the appellant with a crisis supplement for a washing machine. The appellant did not offer any evidence or argument contrary to the ministry's position.

### Panel Decision

The panel finds the ministry was reasonable in determining that the appellant child was not at risk of being removed from the home and therefore has not satisfied the legislative criterion related to the "removal of a child under the *Child, Family and Community Service Act*" set out in section 57(1)(b)(ii) EAPWDR.

### **Conclusion**

Since the Ministry reasonably determined that all the criteria in section 57(1) EAPWDR have not been satisfied, the panel finds that the ministry's decision to deny the appellant a crisis supplement for a washing machine was reasonably supported by the evidence. The appellant was unsuccessful on appeal and the ministry's decision is confirmed.