



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision of December 6, 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 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically, that the criteria regarding unexpected item of need was not met.

PART D – Relevant Legislation

EAPWDR, Section 57

PART E – Summary of Facts

This hearing is a written hearing as requested by the appellant on January 9, 2017.

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

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

- A 22 page letter from the appellant explaining why she required a crisis grant for clothing which included the following points:
 - She states she has been to community resources in the past where there is a 2 bag limit and she obtained clothing that was more for summer wear.
 - She states she had been incarcerated for a period of time
 - She states she has had surgery on both legs and her ankle and requires good footwear
 - She states she has had to throw out her bed due to bed bugs, and that she believed they had come from clothing she'd obtained at a local community resource.
 - She states she had gained a lot of weight and then lost a lot of weight all in the past year, including losing 16 pounds in the past month.
 - She states that the weather is colder now and that she has had pneumonia and bronchitis in the past which affects her in winter and she requires a warm coat.
 - She states that when a worker asked her if she had a coat and shoes that she had just woken up and responded that yes she did have them, but that she did not tell the worker that the coat was a raincoat and that she needed a warm winter coat, and that the shoes got her feet wet in the rain and were not good for the colder weather.
 - She states that a coat at a local store would cost \$60-\$65 and that she still needs undergarments, shirt, pants, sweater and shoes.
 - She states she would require at least \$150 to purchase clothing.
- A request for reconsideration dated November 10, 2016 which noted that the appellant had stated she had lost over 90 pounds in one year and that most of her clothing is too big for her.

The Ministry, upon reconsideration, accepts that:

- The appellant has accessed community resources but without funds to purchase the required items does not have alternate resources available, so therefore criterion #2 has been met.
- The appellant has health issues and that without proper winter clothing her health is at risk, so therefore criterion #3 has been met.

On her Notice of Appeal the appellant notes she is in need of warm clothing, socks, shirts, sweaters and pants and that because of the cold weather she can become very ill. She notes she has been to community resources and does not have the money to purchase anything after paying her bills.

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

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry decision of December 6, 2016 in which the ministry denied a crisis supplement for clothing pursuant to Section 57 of the EAPWDR because not all required criteria had been met. Specifically, that the criteria for an unexpected item of need was not met.

The relevant legislation is as follows:

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;
 - (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:

- She has lost 90 pounds, including 16 pounds in the month preceding the request for a crisis grant and that her clothes are too big for her.
- She has health issues that require she have warm clothing or she will become very ill.
- She has accessed community resources but does not have the funds to pay for clothing once she has paid for her rent and food.

The Ministry's position is:

- That because the appellant's weight gain and loss was over a three-year period, they do not consider this to be unexpected. Nor do they consider it unexpected to have to replace clothing over time as it wears out or as weight fluctuates. Additionally, the seasons changing is not unexpected and it is not considered unexpected to have to obtain warmer clothing in the colder winter months so the minister is not satisfied that the need for clothing is unexpected, so therefore criterion #1 has not been met.
- The minister accepts that there are no alternate resources available to the appellant, so therefore criterion #2 has been met.
- The minister accepts that the appellant has health issues and that without proper winter clothing her health is at risk, so therefore criterion #3 has been met.

Panel Decision

According to Section 57 of the EAPWDR, there are certain conditions that must be met in order to issue a crisis supplement.

In Section 57(1), the first condition is that the item must be an unexpected expense or an item unexpectedly needed. Although the appellant indicated that over a period of time she had gained and lost weight and that she had lost some clothing to bed bugs prior to being incarcerated, the weight loss was over a period of three years and the appellant did not provide evidence of methods she used to clean the clothing that had bed bugs. The panel notes that the appellant did obtain some clothing from community resources and family while living at the transition house for six months upon her release. Although the appellant's incarceration may have been unexpected, the panel was not provided with enough evidence or a timeline of when the incarceration occurred to be able to determine if the incarceration caused the appellant unexpected clothing expenses. The appellant indicates a need for winter clothing to prepare for the upcoming winter, however the need to prepare for winter weather is not unexpected as it happens yearly. Therefore the panel finds that the ministry was reasonable in its conclusion that this condition has not been met.

The panel finds that the ministry's reconsideration decision denying the appellant 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.