

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (“the ministry”) Reconsideration Decision of February 21, 2017 in which the ministry determined that the appellant was ineligible for a crisis supplement for food because he did not meet the legislative criteria set out in Section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), specifically that he did not demonstrate that:

- his need was unexpected;
- there were no alternate resources available; and
- failure to obtain the crisis supplement for food would result in imminent danger to his physical health.

PART D – Relevant Legislation

Employment and Assistance for Person with Disabilities Regulation (EAPWDR), Section 57(1).

PART E – Summary of Facts

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

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

- appellant's request for a crisis supplement for food dated January 31, 2017 in which he explained:
 - he required a crisis supplement for food because his phone bills were higher so he could not afford groceries;
 - he attempted to meet his need for groceries on his own;
 - he has no available resources because all of his family lives out of town;
 - his health and safety is directly threatened because he is hungry.
- appellant's request for reconsideration received by the ministry on February 20, 2017, with no additional information provided by the appellant.

The ministry relied on the reconsideration decision which provided additional information as follows:

- the appellant is a sole recipient of disability assistance (DA);
- he receives DA of \$983.42 per month (\$556.42 support, \$375 shelter allowance and \$52.00 transportation support allowance, from which is deducted a repayment of \$20 and a bus pass charge of \$52.00;
- on January 31, 2017 when the appellant requested a crisis supplement for food he notified the ministry that he had paid his phone bill of \$210 because he had not made a payment in the past 3 months.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the reconsideration decision of February 21, 2017 in which the ministry determined that the appellant was ineligible for a crisis supplement for food because he did not meet the legislative criteria set out in Section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), specifically that he did not demonstrate that:

- his need was unexpected;
- there were no alternate resources available; and
- failure to obtain the crisis supplement for food would result in imminent danger to his physical health.

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*.

The appellant argues that he could not afford groceries because he had paid \$210 against his outstanding phone bill. In his request for a crisis supplement he noted that he was hungry, and all his family lives out of town so were not available as resources. In his Notice of Appeal received by the Employment and Assistance Appeal Tribunal on March 2, 2017 the appellant stated that he disagreed with the ministry's reconsideration decision because he needed money for food and clothes.

The ministry's position is set out in the reconsideration decision, namely that the appellant failed to demonstrate that his need for food was unexpected, and that the appellant did not provide information to demonstrate that he had no resources available to obtain food, or that failure to obtain food would result in imminent danger to his life.

Panel Decision

EAPWDR Section 57 (1) states that the minister may provide a crisis supplement to or for a family unit that is eligible for income assistance or hardship assistance, if:

1. the supplement is required to meet an unexpected need;
2. there are no resources available to purchase the items; and
3. failure to obtain the items will result in imminent danger to the physical health of a member of the family unit.

All 3 of these criteria must be met before a recipient of disability assistance can be provided a crisis supplement.

1. Unexpected Need or Expense

The appellant argues that he could not afford groceries because his phone bill was higher than usual. The ministry's position is that neither the purchasing of food nor the paying of a phone bill were unexpected expenses. The panel notes that the appellant did not complete Section 3 "Reasons for Request for Reconsideration" when he submitted a request for reconsideration to the ministry. The appellant also did not submit additional information in support of his position after the reconsideration decision or before the hearing.

The panel finds that the ministry reasonably determined that the appellant did not provide sufficient information to establish that his need for the crisis supplement for food was unexpected.

2. No Resources Available

The appellant argues that he has no family members to assist him with meeting his need for food.

The ministry's position is that the appellant's support allowance is intended to cover his daily living expenses, including purchase of food. The ministry also argues that the appellant has chosen to divert some of his support allowance to pay for rent that exceeds his shelter allowance.

The panel notes that the appellant did not provide evidence that he had attempted to obtain food at any of the food banks or other charitable food distribution outlets in his city or that he was unable to meet his shelter-related expenses, including rent and utilities, from his shelter allowance.

The panel therefore finds that the ministry reasonably determined that the appellant did not demonstrate that there was a lack of resources available from his monthly support allowance available to purchase the needed item of food.

3. Imminent Danger to Physical Health

The appellant argues that his health was directly threatened because he was hungry.

The ministry's position is that there was insufficient evidence provided by the appellant to support a determination that failure to obtain the needed item (food) would result in imminent danger to his physical health. The appellant did not submit any evidence to the ministry regarding his physical health.

The panel accepts that the appellant requires food as a necessity of life, but due to the lack of information from the appellant that he was unable to obtain food by alternate means or that his health was imminently endangered the panel finds that the ministry reasonably determined that there was insufficient evidence to determine that failure to provide the needed item, namely food, would result in imminent danger to the appellant's physical health.

Conclusion

The panel finds that the ministry's determination that the appellant was ineligible for a crisis supplement for food because the legislative criteria in EAPWDR Section 57 (1) were not met was a reasonably supported by the evidence, and confirms the decision. The appellant is not successful in his appeal.