

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry) reconsideration decision dated March 14, 2017 which held that the appellant is not eligible for a crisis supplement for clothing pursuant to Section 59 of the Employment and Assistance Regulation (EAR).

The ministry determined that the appellant's request for the crisis supplement does not meet all the criteria in Section 59 of the EAR; specifically, for the reason that the appellant has received the maximum allowed crisis supplement for clothing allowed for the 12-month period as per Section 59 (4)(c).

PART D – Relevant Legislation

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.

Information before the ministry at reconsideration;

- A Request for Crisis Supplement-Clothing dated March 2, 2017 in which the appellant requests steel toe boots and an outside jacket for a job, replacement runners due to holes and reimbursement for a bus ticket. He indicates that he has gone to local thrift stores but they did not have his sizes. He states that he asked his mother for money but was denied.
- Two (2) photo copies of footwear with holes,
- A bank Account Summary showing a negative balance, and
- A Request For Reconsideration dated March 10, 2017.

In the Request For Reconsideration, the appellant states that without proper shoes or rain gear he cannot start a new job. He indicates that he had to use his support money to purchase bus tickets to attend his grandfather's passing and celebration of life. The appellant states that he doesn't understand why he can't catch a break as he would rather be working and making money than sitting around waiting for the next cheque to be printed.

In his Notice of Appeal dated March 13, 2017, the appellant indicates that he understands the decision and because the ministry could not help him by the required timeline of March 15, 2017, he lost the job. He states that he does not receive any refunds or GST cheques due to someone impersonating him and he has to suffer because of the investigation and that without a job he finds it very hard to get by day by day.

The ministry relied on its reconsideration decision.

Findings of Fact

The appellant is a sole recipient of income assistance with no dependents.

For March, the appellant received \$585 in assistance (\$375 for shelter and \$235 for support less \$20 repayment and a \$25 sanction).

The appellant's reported rent share is \$400.

The ministry records indicate that the appellant was provided with \$535 in crisis supplements within the past 12 months which included crisis supplements - clothing in June 2016 for \$75 and \$25 in July 2016 totaling the maximum allowable of \$100. As a result the appellant isn't eligible to request a further crisis supplement for clothing until June 2017.

PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the ministry's decision that the appellant does not qualify for a crisis supplement for clothing because he does not meet all the criteria set out in the EAR Section 59; specifically, because the appellant has received the maximum allowed crisis supplement for clothing allowed for the 12-month period as per Section 59 (4)(c).

Relevant Legislation

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.

(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 income 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.

Ministry's Position

The ministry's position is that while they acknowledge that the appellant had unexpected travel expenses to attend a funeral that would have impacted on his ability to buy clothing at this time; the appellant's request for a crisis supplement for clothing cannot be approved because the appellant has received the \$100 maximum that is available to his family unit within a 12 month period. The ministry also notes that the need to replace clothing because of normal wear and tear is not considered unexpected and should be budgeted for from support or by accessing other community resources.

Appellant's Position

The appellant's position is that without proper shoes or rain gear he cannot start a new job. He

argues that he had to use his support money to purchase bus tickets to attend his grandfather's passing and celebration of life. The appellant finds that without a job, it very hard to get by day by day.

Panel Decision

The panel reviewed the legislation and the record of the appellant's past crisis supplements for clothing and finds that the legislation, EAR Section 59(4)(c), allows the ministry to approve a crisis supplement for clothing for up to \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement. The panel relied on the ministry's testimony and records that the appellant requested, and was granted, a \$100 crisis supplement for clothing during June (\$75) and July (\$25) 2016 and, therefore, he cannot be approved for further crisis supplements for clothing before June 2017. The panel finds there is no ministerial discretion provided by this part of the act.

Conclusion

The panel finds the ministry was reasonable to determine the appellant's request for a crisis supplement for clothing could not be approved because the appellant had reached the maximum allowable crisis supplement for clothing for this 12-month period pursuant to the legislation. The reconsideration decision is confirmed and the appellant is not successful in his appeal.