

#### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) Reconsideration Decision dated February 27, 2017. The ministry determined that the appellant had not met all three criteria for a crisis supplement for clothing pursuant to section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWD Regulation). Therefore approval for the crisis supplement could not be granted..

#### PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWD), section 5  
Employment and Assistance for Persons with Disabilities Regulation (EAPWD Regulation), section 57

## PART E – Summary of Facts

This appeal was conducted as a written hearing. The appellant did not provide a written submission. The ministry indicated their submission would be the reconsideration summary provided with the Record of Ministry Decision. Accordingly the panel reviewed the record in detail and found the facts to be as follows:

The appellant is in receipt of disability assistance as a sole recipient. His monthly assistance was \$1,188.42 (\$556.42 support, \$375 shelter, \$205 nutritional supplement plus \$52 transportation support).

The appellant's CPP benefits of \$580.10 are deducted from his assistance each month. His monthly rent is \$424.

In January 2016 the appellant was issued a crisis supplement of \$100 to purchase clothing. He indicated he needed appropriate clothing to attend a funeral, his shoes had fallen apart and his clothing had been stolen.

On February 14, 2017 the appellant requested a crisis supplement to purchase clothing. He stated he had gained weight because of medications he began taking eight months previously and his pants no longer fit. He stated his bank had withdrawn \$246 from his account.

The appellant's request was denied.

The appellant requested the minister reconsider the decision.

In his Request for Reconsideration form dated February 24, 2017 the appellant submitted that his physician advised him to purchase oil and cream for his skin. The appellant also submitted he needed personal hygiene items and a haircut. The appellant also submitted that the combination of medication and food had caused him to gain weight and his clothes no longer fit and the bank had taken \$246 from his account. The appellant provided a statement from his bank referring to a withdrawal of \$246 from his account.

## PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry correctly determined that the appellant did not meet the criteria set out in section 57 of the EAPWD Regulation in respect of a crisis supplement for clothing.

The relevant section of the EAPWD is as follows:

### **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.

The relevant parts of the EAPWD Regulation is as follows:

### **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.

- (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.

[am. B.C. Reg. 13/2003.]

**In its Reconsideration Decision the minister noted that the purpose of crisis supplements is to address unexpected emergency needs to prevent imminent danger to health and not intended to augment monthly assistance.**

**The ministry noted that under section 57 (1) of the EAPWD Regulation a crisis**

supplement may be provided if all three of the indicated criteria have been met.

The ministry reviewed each of the criteria.

In respect of the need for the item or expense to be unexpected, the ministry noted that weight gain is a gradual process and the need to replace clothing due to a weight gain is not an unexpected expense.

The appellant confirmed his bank withdrew \$246 from his bank account on December 21, 2016. No details were provided concerning the withdrawal and the ministry was unable to determine if this was unexpected or a one-time or ongoing event.

In respect of the failure to obtain the item resulting in imminent danger to health, the ministry noted there was insufficient evidence to support a probability that failure to obtain additional clothing will place the appellant's physical health in imminent/immediate danger.

In respect of the criteria that no alternate resources were available to obtain the item or meet the expense, the ministry noted that the appellant's support allowances are intended to be used for his daily living expenses including clothing. The appellant did not indicate if he had attempted to access local community resources. His support allowance is an alternate resource.

The ministry concluded that the appellant did not meet all of the criteria for a crisis supplement for clothing and was therefore not eligible. His request was denied.

## DISCUSSION AND DECISION

In order to be eligible for a crisis supplement the appellant must meet the criteria set out in section 57 in the EAPWD Regulation.

The requested item must be required to meet an unexpected expense, or obtain an item unexpectedly needed.

The recipient must be unable to meet the expense or obtain the item because there are no resources available to the family unit; and

The failure to provide the item will result in imminent danger to the recipient's physical health.

In his Notice of Appeal, the appellant indicated that he disagreed with the ministry's reconsideration decision because "Social services don't give us money for expenses, only for food. Like example, medication is not covered by health care, like cleaning supply for your apartment, like health care things and hygiene supply, and for emergency. Clothes is emergency."

The appellant has stated that a combination of medication and food had caused him to gain weight and his clothes no longer fit.

The appellant has submitted that assistance is provided for emergencies. The appellant argues that clothes are an emergency.

The applicable legislation provides that the minister may provide a crisis supplement if certain criteria are met. However, the evidence and the submissions of the appellant do not indicate that he has met any of the criteria.

The appellant has noted that a combination of medication and food caused him to gain weight and his clothes no longer fit. Weight gain is a gradual process and the need to replace clothes is therefore not unexpected nor is the expense unexpected.

There is no evidence that the appellant investigated alternate resources available to him and no evidence that alternate resources would not have met his needs.

Finally, there is no evidence that failure to meet the expense or obtain the item will result in imminent danger to the physical health of the appellant.

Although the appellant provided evidence of a withdrawal of funds from his bank account, there is no evidence as to how this affected the appellant or how it is relevant to the criteria in the EAPWD Regulation

Accordingly, because all criteria have not been satisfied, the ministry has no legislative authority to issue a crisis supplement.

The panel finds the ministry decision was reasonably supported by the evidence and is a reasonable application of the applicable enactment in the circumstances of the appellant. The panel therefore confirms the Ministry's Reconsideration Decision and the appellant's appeal is denied.