

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision dated April 10, 2017, wherein the ministry denied the appellant a crisis supplement to purchase clothing because she had already received \$100 for a crisis supplement for clothing in the 12 calendar month period preceding the date of her application and was therefore not eligible under section 57(4) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR).

## PART D – Relevant Legislation

Section 57 of the EAPWDR

## PART E – Summary of Facts

The appellant is a sole recipient of disability assistance.

On December 8, 2016 the appellant was issued a crisis supplement of \$100.00 to purchase clothing.

On March 8, 2017 the appellant requested a crisis supplement to purchase clothing. She stated she was just released from prison and had no clothing.

In her request for reconsideration dated April 5, 2017 the appellant wrote that she had asked for help with clothes because she was in hospital for 2 months and lost everything. She states that she received \$100 and purchased shoes, underwear, and a pair of pants. She receives help from a charitable society and goes to a women's resource center.

In her Notice of Appeal dated April 14, 2017 the appellant wrote that she needs help and that she spent money on medical transport.

Upon confirming that the appellant was notified the hearing proceeded in accordance with section 86(b) of the Employment and Assistance Regulation.

In its oral testimony the ministry relied on its reconsideration decision.

## PART F – Reasons for Panel Decision

The issue on appeal is the reasonableness of the ministry's reconsideration decision dated April 10, 2017, wherein the ministry denied the appellant a crisis supplement to purchase clothing because she had already received \$100 for a crisis supplement for clothing in the 12 calendar month period preceding the date of her application and was therefore not eligible under section 57(4) of the EAPWDR.

The relevant legislation is as follows:

### **Crisis supplement**

#### **57**

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:

...

(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 argues that she should be given a \$100 crisis supplement for clothing because she has no money and no clothes. She has spent the previously received \$100 on shoes, underwear and a pair of pants.

The ministry argues that it is not able to provide the appellant with a crisis supplement for clothing because section 57(4) of the EAPWDR limits the provision of a crisis supplement to purchase clothing to \$100 in the 12 month period prior to the appellant's most recent request. As the appellant received a crisis supplement to purchase clothing in December 2016 which was within the 12 months prior to her current request, the appellant is not eligible for a further crisis supplement to purchase clothing at this time.

### Panel Decision

Section 57(4) specifies that the amount that may be provided for a crisis supplement for clothing must not exceed \$100 in the 12 calendar month period preceding the date of application for the crisis supplement. The panel finds that when the appellant made her request on March 8 she had already exhausted the maximum legislated amount of \$100 for the 12 months period preceding her request. Therefore the panel finds that the ministry was reasonable in concluding that the appellant was not eligible for a further crisis supplement for clothing.

## **Conclusion**

The panel finds that the ministry's decision to deny the appellant a crisis supplement for clothing is reasonable application of the applicable enactment in the circumstances of the appellant. The ministry's decision is confirmed and the appellant is not successful on appeal.