

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision dated March 29, 2017, wherein the ministry denied the appellant a crisis supplement for clothing because he did not meet all of the criteria listed in section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry held that the following criteria were unmet:

1. The need for the item is unexpected or there is an unexpected expense and
2. There are no alternate resources available and
3. Failure to obtain the item or meet the expense will result in imminent danger to physical health or the removal of a child under the Child, Family and Community Service Act.

## PART D – Relevant Legislation

Section 57 of the EAPWDR

## PART E – Summary of Facts

The appellant is a sole recipient of disability assistance.

On March 16, 2017 the appellant requested a crisis supplement for clothing. He indicated he has clothing but wanted to purchase other personal items.

In his request for reconsideration dated April 22, 2017, the appellant wrote that he is homeless and was jailed. He needs more assistance and “already used community help”.

In his Notice of Appeal dated April 17, 2017 the appellant wrote that he went to a store to purchase shoes with steel toes for \$30 which fell apart in four days. “Asking to use community resource is unfair”.

The appellant filled in an additional NOA form dated May 8, 2017 and wrote the following: “I spent \$95 on shoes. After \$30 and I only asked for \$50 on my cre[d]it card with is need for to spend receipt rent.”

In its submission dated May 15, 2017 the ministry stated it 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 March 29, 2017, wherein the ministry denied the appellant a crisis supplement for clothing because he did not meet all of the criteria listed in section 75(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). These criteria are:

1. The need for the item is unexpected or there is an unexpected expense and
2. There are no alternate resources available and
3. Failure to obtain the item or meet the expense will result in imminent danger to physical health or the removal of a child under the Child, Family and Community Service Act.

The relevant legislation 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*.

### **Unexpected**

The ministry's position is that pursuant to section 57(1)(a) of the EAPWDR the appellant did not have an unexpected need because he stated he had clothing and would like to purchase some other personal items; he did not provide any further information regarding what personal items he intended to purchase, and he did not indicate that something unexpected had happened that prevented him from budgeting for the items he would like to purchase.

### **Panel Decision**

Section 57(1)(a) specifies that the crisis supplement must be for an "unexpected expense" or to obtain an item "unexpectedly needed". While the appellant states he has clothing and would like to buy other unspecified personal items, the panel finds that there is no evidence that the appellant was faced with an unexpected need or expense to buy clothing. Consequently, the panel finds that the ministry was reasonable in concluding that the appellant has not satisfied the legislative criterion that the need or expense to buy clothing was unexpected.

## **No Resources**

The appellant argues that he needs more assistance and “already used community help”.

The ministry argues that pursuant to section 57 (1)(a) the appellant has not established that there are no alternate resources available to him; While the appellant wrote “already used community help” he has not provided any information regarding what it is he is requesting aside from “personal items”, or where he has been in the community to meet his needs. As a result the ministry was not satisfied that the appellant does not have alternate resources available to meet his need

## **Panel Decision**

While the appellant argues that he has used community help, the panel finds that it is not clear which community resources the appellant has used. Further, there is no evidence that the appellant exhausted all resources that are available to him. Based on the foregoing, the panel finds that the ministry reasonably concluded that the evidence does not establish that the appellant satisfied the legislative criterion that he has no resources available pursuant to section 57(1)(a) .

## **Imminent Danger to Physical Health**

The ministry is not satisfied that failure to obtain clothing will result in imminent danger to the appellant’s physical health because there is insufficient evidence that failure to obtain clothing will result in imminent danger to the appellant’s health; while the appellant requested a crisis supplement for clothing he stated he has clothing.

The panel finds that there is no evidence that the appellant was facing imminent danger to his health as a result of not obtaining clothes.

## **Conclusion**

Since all 3 criteria in EAR section 57 have not been satisfied, the panel determines that the ministry’s decision to deny the appellant a crisis supplement for clothing was reasonably supported by the evidence. The ministry’s decision is confirmed and the appellant is not successful on appeal.