

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) May 18, 2017 reconsideration decision denying the appellant’s request for a crisis supplement to pay for travel expenses to attend a family funeral in another province. In particular, the ministry determined that the request met none of the eligibility criteria set out in Section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), namely that:

- the need or expense is unexpected;
- failure to obtain the item will result in imminent danger to health; and
- there are no alternate resources available to meet the expense.

PART D – Relevant Legislation

EAPWDR Section 57 (1)

PART E – Summary of Facts

The appellant is a sole recipient of disability assistance.

Information before the ministry at reconsideration included the following:

- appellant's request for reconsideration submitted to the ministry on May 17, 2017 in which the appellant noted:
 - she had to travel to another province to attend her brother's funeral, which was unexpected;
 - she had to purchase front tires, gas and food for the drive;
 - she is in serious debt now;
 - she could not take the bus because she needs help and it is "too much on [her]" to take the bus;
 - if not for family, friends and the bank she would have been unable to attend the funeral.
- death certificate of appellant's brother dated April 23, 2017.

In her Notice of Appeal dated May 27, 2017 the appellant stated that her gas costs (\$90) were cheaper than the bus (\$100), and she is mobility-challenged.

At the hearing the appellant stated that her brother passed away unexpectedly, for as yet undetermined reasons. She informed the panel that she is seeking only her gas costs, which total approximately \$260, and explained that because she suffers from a muscle-wasting disease her muscles cannot take the rigours of a bus trip. She stayed with family members in a city approximately 2 hours' drive from the city where her brother's funeral took place.

The appellant also stated that she is in an overdraft position with her bank and cannot rely on family members or friends for financial assistance. She has gas receipts but they are on her cell phone.

The panel considered the appellant's oral evidence and admitted it under EAA Section 22 (4) as evidence in support of the information before the ministry at reconsideration because it was relevant to her appeal, added detail to the information received by the ministry prior to reconsideration and contained no new information.

The ministry representative relied on the reconsideration and added that the appellant's original request was made on April 25, 2017, which was the day before assistance cheques were issued by the ministry.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry reconsideration decision of May 18, 2017 denying the appellant's request for a crisis supplement to pay for travel expenses to attend a family funeral in another province. In particular, the ministry determined that the request met none of the eligibility criteria set out in Section 57 (1) of the EAPWDR, namely that:

- the need or expense is unexpected;
- failure to obtain the item will result in imminent danger to health; and
- there are no alternate resources available to meet the expense.

Relevant Legislation:

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

The appellant argues that her brother's death was unexpected and she had to attend his funeral. She wants a crisis supplement only for \$260 spent on gas. She has no money and is overdrawn at the bank. She also has no friends or family members who can assist her with paying for the trip.

The ministry's position is that:

1. the appellant's need was not unexpected because the appellant knew she would incur additional travel expenses if she travelled to another province to attend her brother's funeral;
2. there is insufficient evidence to indicate that failing to receive the crisis supplement for travel would result in imminent danger to the health of the appellant;
3. there is insufficient evidence to indicate that there were no alternate resources available to the appellant; and
4. the legislation does not permit the ministry to provide a crisis supplement for travel under EAPWDR Section 57 (1).

PANEL DECISION

To be eligible for a crisis supplement under EAPWDR Section 57 (1) all three of the following criteria must be met:

1. the person requires the crisis supplement to meet an unexpected need;
2. failure to obtain the crisis supplement will result in imminent danger to the appellant's physical health; and
3. there are no resources available to the appellant.

1. Unexpected Need

The evidence indicates that the appellant was notified of the sudden, unexpected death of her brother, and quickly needed to travel to another province to attend his funeral. The ministry determined that the appellant's decision to attend the funeral involved travel expenses that were not unexpected.

The panel finds that the ministry was not reasonable in determining that the appellant's need for money for travel expenses was unexpected, because the sudden, unexpected death of the appellant's brother was the triggering reason for the appellant's travel, and was not foreseeable or expected.

2. Imminent Danger to Physical Health

The appellant did not offer any medical evidence to support a finding that failure to obtain a crisis supplement for travel expenses would result in imminent danger to her physical health.

The panel therefore finds that the ministry was reasonable in determining that this criterion was not met.

3. No Alternate Resources Available to Meet the Expense

The appellant provided evidence to indicate that she had no money to meet her travel expenses and is in an overdraft situation at her bank. She also testified that her family members and friends were unable to assist her with her travel expenses. The ministry determined that the appellant's support allowances are intended to be used for daily living expenses and optional expenses such as travel costs.

The panel finds that the ministry was not reasonable in determining that the appellant had alternate resources to meet her travel expenses, because the travel expenses she incurred arose from a sudden unexpected event and consequently were not within the usual parameters of monthly budgeting for daily living expenses and travel costs.

4. No Crisis Supplement for Travel under EAPWDR Section 57 (1)

At the hearing the ministry representative argued that there is no provision under EAPWDR Section 57 (1) for providing a crisis supplement for travel, because crisis supplements under this section are limited to food, shelter, clothing, heating and cooking fuel, water and hydro.

This issue was not raised by the ministry at reconsideration and did not form part of the reconsideration decision. Accordingly the panel will not consider the reasonableness of this argument by the ministry representative.

CONCLUSION

In conclusion the panel finds that the ministry was not reasonable in finding that the appellant's need for a crisis supplement for travel expenses was not unexpected, or that she had alternate resources available to cover the cost. However, the panel finds that the ministry reasonably determined that there was insufficient information to indicate that failure to obtain the crisis supplement would result in imminent danger to the appellant's health. Because Criterion #2 was not met the appellant is not eligible for a crisis supplement under EAPWDR Section 57 (1).

Accordingly the panel finds that the decision of the ministry denying a crisis supplement for payment of travel expenses because the appellant failed to meet the legislative criteria for a crisis supplement was reasonably supported by the evidence, and confirms the decision. The appellant is not successful in her appeal.