

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (“the ministry”) reconsideration decision of June 7, 2017 in which the ministry determined that the appellant was ineligible for a crisis supplement for clothing because her request did not meet the legislative criteria set out in Section 59 (1) of the Employment and Assistance Regulation (EAR), specifically that she did not demonstrate that:

- her need was unexpected;
- there were no alternate resources available; and
- failure to obtain the clothing would result in imminent danger to her physical health.

## PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) Section 59 (1)

## PART E – Summary of Facts

The appellant is a sole recipient of income assistance (IA).

The evidence before the ministry at reconsideration included:

- appellant's original request for a crisis supplement for clothing dated May 12, 2017 which included the following information:
  - availability of suitable clothing is limited;
  - she requires appropriate clothing because she is looking for work pursuant to her employment plan;
  - she has looked for sales, promotions and coupons, but there is little available in her area;
  - she has attempted to find clothes in second-hand stores and two other stores in her community;
  - she is unable to buy clothes online because she is unable to try them on, and online suppliers require a minimum purchase to waive shipping costs and she only has \$20;
  - she is unable to retrieve the remainder of her clothes because the ministry has not provided a supplement to pay her moving costs from her previous residence;
  - her health and safety are directly threatened because second-hand clothing is unhygienic.
- appellant's undated letter regarding her request for a clothing supplement, with the following information:
  - there are two stores with reasonably priced clothing in her small community;
  - she requires shoes that are larger than average and must be ordered in;
  - she requires two bras with good support that are not available in her community;
  - she also requires a new coat, but the coats she has found in her community are not warm enough.
- request for reconsideration submitted to the ministry on May 30, 2017 in which the appellant noted that:
  - she lives in a remote area and thus did not appreciate that clothing would be more expensive and less available for purchase;
  - she visited several shops and could not find affordable clothing.

In her Notice of Appeal dated June 8, 2017 the appellant noted that she arrived in her current community one year ago with a few items in a tote bag, and did not anticipate that her clothes would still be at her former community because the ministry has not approved a supplement to cover her moving costs. She added that the items at the second-hand store are used and do not last.

The ministry relied on the reconsideration decision.

## PART F – Reasons for Panel Decision

The decision under appeal is the reasonableness of the ministry's reconsideration decision of June 7, 2017 in which the ministry determined that the appellant was ineligible for a crisis supplement for clothing because her request did not meet the legislative criteria set out in Section 59 (1) of the Employment and Assistance Regulation (EAR), specifically that she did not demonstrate that:

- her need was unexpected;
- there were no alternate resources available; and
- failure to obtain the clothing would result in imminent danger to her physical health.

### 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.

The appellant argues that her need for clothing is unexpected because the ministry did not cover her moving expenses from her former community and as a result she has been unable to retrieve her clothes. The two affordable retail stores do not have the items she requires and she cannot purchase them online because she can't try them on and has insufficient funds to make an order that is eligible for free shipping. She also argues that second-hand clothing is unhygienic.

The ministry's position is set out in the reconsideration decision, summarized as follows:

- the need for clothing, including employment-related clothing, is not unexpected;
- the appellant receives \$657.92 IA monthly (\$282.92 support plus \$375 shelter) from which her daily living expenses, including clothing, are intended to be purchased;
- there is insufficient evidence to support a determination that failure to obtain the crisis supplement will result in imminent danger to the appellant's health;
- the appellant received a crisis supplement for clothing in June 2016.

#### **Panel Decision**

EAR Section 59 (1) states that the minister may provide a crisis supplement for clothing to a family unit that is eligible for income assistance or hardship assistance, if:

1. the supplement is required to meet an unexpected need;
2. there are no resources available to purchase the items; and
3. failure to obtain the items will result in imminent danger to the applicant's physical health.

##### **1. Unexpected Need**

The appellant notes that she moved to her new community a year ago with just a small tote bag of clothes. She relied on receiving a ministry-approved moving supplement to transfer her remaining

clothing from her former residence, but has not been successful in receiving it. She has known for more than a year that she would require replacement clothing appropriate for employment-seeking and suitable for the climate. There is no indication that the appellant's need for clothing arose from an unexpected event.

The panel therefore finds that the ministry reasonably determined that the appellant's need for a crisis supplement for clothing was not unexpected.

2. No available resources to purchase the items

The appellant has failed to budget for replacement clothing from her monthly IA during the past year and has not provided information to explain why she was unable to do so. She also received a crisis supplement for clothing in June 2016.

The panel therefore finds that the ministry reasonably determined that there is insufficient information to establish that the appellant lacks the resources to meet the expense.

3. Imminent danger to physical health

The appellant argues that second-hand clothing is unhygienic but has not submitted evidence to support her position. Although she states that she has been unable to find a warm enough coat, the panel notes that she requested the clothing supplement in May, which is 6 months before the next winter season. She has also not provided additional evidence to indicate that her physical health will be at imminent risk if she does not receive a crisis supplement for clothing.

The panel therefore finds that the ministry reasonably determined that there was insufficient evidence to indicate that failure to obtain the crisis supplement for clothing would result in imminent danger to the appellant's physical health.

**CONCLUSION**

The panel finds that the ministry's determination that the appellant was ineligible for a crisis supplement for clothing because the legislative criteria in EAR Section 59 (1) were not met is reasonably supported by the evidence, and confirms the decision. The appellant is not successful in her appeal.