

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the "ministry") Reconsideration Decision of July 17<sup>th</sup>, 2017 in which the ministry deemed the appellant not eligible for a crisis supplement because the legislative criteria had not been met; pursuant to Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPDR). Specifically, the appellant did not meet the eligibility requirements of having an unexpected expense for food, or the requirement of not having adequate resources available to the family unit, or the requirement of being faced with imminent danger to the family's physical health in order to qualify for a crisis supplement for food.

## PART D – Relevant Legislation

EAPDR - *Employment and Assistance for Persons with Disabilities Regulation*, Section 57(1)

## PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- 1) The appellant is a recipient of disability assistance as a single parent with two children in the amount of \$1,664.08 per month (\$747.08 support, \$660.00 shelter, \$52.00 transportation, \$205.00 dietary supplement). The appellant also receives \$362.50 Family Bonus Benefits. The appellant's monthly shelter costs including utilities are \$952.00.
- 2) **July 5<sup>th</sup>, 2017** – A request for a crisis supplement to purchase food. The appellant indicated in this request, that she did not receive her GST cheque as she had not yet filed her 2016 taxes. The request was denied.
- 3) **July 10<sup>th</sup>, 2017** – The appellant confirmed to the ministry that she was aware that she would not be receiving her GST cheque due to the fact that she had not filed her 2016 taxes.
- 4) A dated Request for Reconsideration – **July 11<sup>th</sup>, 2017**. The appellant submits that she had not received her GST cheque, that she had bills to pay and did not have enough money to buy food.

### **Additional Information**

At the hearing, the ministry relied on the reconsideration decision and did not introduce any additional evidence.

The appellant was in attendance at the hearing, however did not provide any additional evidence.

## PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry of Social Development and Social Innovation's (the "ministry") Reconsideration Decision of July 17<sup>th</sup>, 2017 in which the ministry deemed the appellant not eligible for a crisis supplement because the legislative criteria had not been met; pursuant to Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPDR). Specifically, the appellant did not meet the eligibility requirements of having an unexpected expense for food, or the requirement of not having adequate resources available to the family unit, or the requirement of being faced with imminent danger to the family's physical health in order to qualify for a crisis supplement for food.

The relevant sections of the legislation are as follows:

### **EAPDR - *Employment and Assistance for Persons with Disabilities Regulation*, Section 57(1)**

#### **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*.**

#### **Panel Decision**

The ministry's position, as set out in the reconsideration decision, is that the appellant is not eligible for a crisis supplement to pay for food pursuant to Section 57(1) of the EAPDR. In her Notice of Appeal dated July 19<sup>th</sup>, 2017 the appellant stated that she disagrees with the decision to deny the crisis supplement on the basis that this is her first time doing her taxes late and that she did not have any help. The appellant indicates that she has had to panhandle with her children, and that by having to do so it has caused her a great deal of stress.

The ministry notes that the purpose of a crisis supplement is to address unexpected emergency needs to prevent imminent danger to health and not intended to augment monthly assistance. Further, the ministry notes that under Section 57(1) of the EAPDR, a crisis supplement can be provided if all three of the following criteria are met; **1) The need for the item is unexpected;** the ministry's position is that the appellant's need to purchase food is not an unexpected expense, and too – that she was aware that she would not be receiving her July GST due to not having filed her 2016 taxes, and therefore this eligibility requirement has not been met. Referring to the second criteria, **2) Failure to obtain the necessary supplement will result in imminent danger to health or the removal of a child under the *Child, and Family Community Service Act*.** The ministry notes that the appellant did not provide sufficient evidence to support the probability of immediacy that failure to obtain the supplement would place the appellant's physical health at risk or in imminent danger, and therefore, this eligibility requirement has not been met.

Thirdly, **3) There are no alternate resources available to obtain the item or meet the expense.** The ministry provides that the appellant's support allowance is intended to be used for food. The ministry notes that there is insufficient evidence to support an inability to budget for food. Further, the ministry provides that GST cheques are issued four times a year and are not a monthly income source. Overall, the ministry provides that this eligibility requirement has not been met.

The ministry's position is that because the appellant's request does not meet all three of the required eligibility criteria, approval for a crisis supplement cannot be granted.

Section 57(1) of the EAPDR states that 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*.

The panel finds that the ministry reasonably determined that the evidence establishes that the appellant does not meet the first criteria of eligibility indicated in Section 57(1)(a) of the EAPDR, where the appellant had claimed that the need to purchase food was an unexpected expense due to not receiving her GST cheque and having had to pay bills. The panel finds that the ministry was reasonable when it determined that the appellant knew, or ought to have known that she would not be receiving a GST cheque because she did not file her 2016 taxes and food is an expected expense.

Additionally, the panel finds that the evidence establishes that the appellant does receive \$1,664.08 in disability assistance and \$362.50 in family bonus benefits per month, and from that total, the appellant pays \$952.00 in rent and utilities. The panel considers that without any evidence to support a significant challenge in the ability to budget for daily living expenses such as food, the support portion (\$747.08) the appellant receives combined with the \$205.00 of nutritional supplement per month is intended to be utilized for the purchase of food and other daily living expenses, and therefore the ministry reasonably determined that the appellant does not meet the second criteria of section 57(1)(a) whereby the appellant does not have the resources available to the family unit.

Moreover, while the panel acknowledges the appellant's need for food is real, the panel finds that the appellant did not provide sufficient evidence to support her eligibility claim to section 57(1)(b)(i) of probable risk or threat of real imminent danger to her physical health if the crisis supplement for food was not granted. In this case, the panel considers that an imminent danger to physical health would be an example whereby a food bank could not supply the appellant with interim food, and an example of sufficient evidence of a risk to physical health would be a local food bank letter indicating a current food stock shortage. Lastly, the panel finds that there was no evidence provided that the appellant was at risk of a removal of a child under the *Child, Family and Community Service Act* pursuant to section 57(1)(b)(ii).

Overall, the panel finds that the ministry reasonably determined that the appellant is not eligible for a crisis supplement as not all of the three eligibility requirements pursuant to Section 57(1)(a) & (b)(i)(ii) of the EAPDR had been met.

Accordingly, the panel finds that the decision of the ministry to deem the appellant not eligible for a crisis supplement due to not meeting all of the eligibility requirements of Section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation*, a reasonable application of the applicable enactment in the circumstances of the appellant. Therefore, the panel confirms the ministry's decision pursuant to section 24(1)(b) and section 24(2)(a) of the Employment and Assistance Act. The appellant therefore is not successful in her appeal.