

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated August 11, 2017 which found that the appellant is not eligible for a crisis supplement to purchase clothing as the appellant did not meet the criteria set out in Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry was not satisfied the evidence established that:

- The need for the item or expense is unexpected;
- Failure to obtain the item will result in imminent danger to health; and,
- There are no alternative resources available to obtain the item or meet the expense.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR)– Section 57

PART E – Summary of Facts

The appellant is a “sole recipient” of assistance under Persons With Disability (PWD) status.

In July, 2016 the appellant was issued a crisis supplement of \$100 to purchase clothing as her clothing had been torn during her move.

On July 17, 2017 the appellant requested a crisis supplement to purchase clothing. The appellant had stated she had spent extra on groceries and only had two pairs of pants. Her request was denied.

On July 19, 2017 the appellant requested a crisis supplement to purchase clothing. The appellant stated:

- She had left her laundry in garbage bags outside when she returned to her suite for soap.
- When she returned, her clothing was gone.
- The building is bad for theft.

The request was denied.

On August 1, 2017 the ministry received a Request for Reconsideration. On August 11, 2017 the ministry completed its review, the request was denied.

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

- Request for Reconsideration dated July 31, 2017, received August 1, 2017.

In the appellant’s Request for Reconsideration, the appellant wrote:

- She only has one pair of pants and two pair of underwear
- Towels and face cloth were stolen
- It has made her situation worst

In the appellant’s Notice of Appeal, the appellant wrote:

- When a person needs help they should be able to get some help
- She needs help to get clothes as she is a plus size

In the appellant’s Notice of Appeal, a hand written attachment completed by the appellant noted:

- Her situation is worse
- It is even harder as she is a plus size
- It causes hardship for her

At the hearing the appellant stated:

- She only has \$258 each month after rent is paid
- Cannot afford to live on the assistance she is given let alone budget for clothing
- She had other personal expenses to cover
- She has two cats to care for as well
- She is a plus size and finds it hard to find clothing.
- She went to the thrift store a few weeks ago but they do not have her size and when they do, it sells quickly. She doesn’t go to the thrift store on a regular basis, before her last time of a few weeks ago, it may have been a couple of months when she last was at the thrift store.

PART F – Reasons for Panel Decision

Panel decision:

The issue on appeal is whether the ministry's reconsideration decision, which found that the appellant is not eligible for a crisis supplement to purchase clothing, was reasonably supported by the evidence or was a reasonable application of the applicable regulation in the circumstances of the appellant. The ministry found that the evidence does not establish that the appellant met all the criteria for allowing a crisis supplement as set out in Section 57 (1) of the EAPWDR.

The relevant legislation is as follows:

Employment and Assistance for Persons with Disabilities Regulation

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](#).

Section 57 (1)(a) of the EAPWDR- Unexpected expense

The ministry's position is that belongings left unsecured are always at risk of being stolen particularly in a building with a reputation of theft (as reported by the appellant) and therefore the theft of the appellant's belongings was not unexpected.

The appellant's position is that she did not expect to have her laundry stolen.

The majority of the panel finds the ministry was not reasonable in its decision to conclude that it is expected to have clothing items stolen if they are left unattended in a high theft area. Rather, the theft event would be unexpected.

Section 57 (1)(a) of the EAPWDR- no resources available to obtain the item

The ministry's position is the appellant's support allowance is intended to be used for her daily living expenses such as clothing and there is insufficient evidence to determine the appellant was not able to budget on a gradual basis to replace her clothing. As well, the ministry notes, the appellant has chosen to divert some of her support allowance to pay rent that is significantly higher than her shelter allowance.

The appellant's position is her support funding is not adequate and that she has called a church and contacted a thrift store and has not been unable to obtain plus size clothing.

The panel finds that the ministry was reasonable to conclude that the appellant is able to budget her monthly allowance to allow replacement of clothing over a period of time. The appellant notes she has used allowance funds to pay for personal items which is a choice she has made instead of budgeting for clothing.

Section 57 (1) (b)(i)- imminent danger to physical health

The ministry's position is there is insufficient evidence to support a probability of immediacy that failure to obtain funds to purchase clothing will place the appellant's physical health in imminent/immediate danger

The appellant's position is her situation is worst then before and the loss of her clothing and towels is a hardship.

The panel finds that the ministry was reasonable to determine that failure to obtain additional clothing would not result in imminent danger to the health of the appellant as there is insufficient evidence to conclude that by not having a crisis supplement for clothing the appellant would be in imminent danger.

Conclusion

The panel finds the appellant met only one of the three criteria required in Section 57 (1) of the EAPWDA, therefore finds that the ministry's reconsideration decision which determined that the appellant was not eligible for a crisis supplement pursuant to in Section 57 (1) of the EAPWDA was reasonably supported by the evidence, and therefore confirms the decision. The appellant is not successful in her appeal.