

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated August 22, 2017, which found that the appellant is not eligible for a crisis supplement for clothing (shoes). The ministry found that the appellant did not meet all of the criteria listed in section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57, specifically that the minister was not satisfied that the appellant did not have alternate resources to meet the need.

## PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA) section 5

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

## PART E – Summary of Facts

Information before the minister at reconsideration included:

- The appellant's Request for Reconsideration signed August 12, 2017.

The appellant, in his Notice of Appeal to the Tribunal, stated that he forgot to mention that he had attempted to obtain shoes from various agencies, but they were all used and he does not trust second hand runners. This information is not in support of information and records that were before the minister when the decision under appeal was made; therefore it was not admitted by the Panel as evidence under section 22(4) of the Employment and Assistance Act.

The ministry, in the Reconsideration Decision, stated that the appellant met the criteria in section 57(1), EAPWDR except that he has no alternate resources available. The ministry wrote that there are many resources available to the appellant, but he did not indicate that he attempted to access any of them.

## PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the ministry decision which found that the appellant is not eligible for a crisis supplement for clothing (shoes). The ministry found that the appellant did not meet all of the criteria listed in section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57, specifically that the minister was not satisfied that the appellant did not have alternate resources to meet the need.

### Legislation

EAPWDA

### Disability assistance and supplements

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

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, or

(ii) removal of a child under the *Child, Family and Community Service Act*.

(2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.

(3) A crisis supplement may not be provided for the purpose of obtaining

(a) a supplement described in Schedule C, or

(b) any other health care goods or services.

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:

(a) if for food, the maximum amount that may be provided in a calendar month is \$20 for each person in the family unit;

(b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of

(i) the family unit's actual shelter cost, and

(ii) the maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit;

(c) if for clothing, the amount that may be provided must not exceed the smaller of

(i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and

(ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.

(5) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).

(6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of disability assistance or hardship assistance that may be provided for the month under Schedule A or Schedule D to a family unit that matches the family unit.

(7) Despite subsection (4) (b) or (5) or both, a crisis supplement may be provided to or for a family unit for the following:

- (a) fuel for heating;
- (b) fuel for cooking meals;
- (c) water;
- (d) hydro.

The appellant's position is that he did attempt to obtain shoes at agencies in his area, but he forgot to tell the ministry and all of the shoes he found were used and he did not trust them.

The ministry's position is that the appellant had other resources available to obtain shoes from community agencies but there was no information that he had done so. As a result, the appellant did not meet all of the eligibility criteria for a crisis supplement.

Although the ministry found the appellant met the other criteria for approval of a crisis supplement, the requirement there are no other resources available to meet the need was not satisfied. The appellant's statement that he attempted to find suitable shoes was not available to the ministry at the time the decision was made; therefore the appellant's statement cannot be admitted by the Panel as evidence. The Panel finds that the ministry reasonably determined that the appellant's application for a crisis supplement did not meet the requirements for approval under section 57, EAPWDR based on the information available at the time.

The Panel confirms the ministry decision. The appeal is not successful.