

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “ministry”) reconsideration decision dated August 31, 2017, wherein the ministry denied the appellant a crisis supplement to purchase food because she did not satisfy all three of the required eligibility criteria set out in section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR); the ministry held that

1. the expense was not unexpected,
2. failure to meet the expense would not result in imminent danger to physical health, and
3. there were alternate resources available to the appellant.

PART D – Relevant Legislation

Section 57 of the EAPWDR

PART E – Summary of Facts

The appellant is a sole recipient of disability assistance.

Her monthly assistance is \$1,068.42 (\$606.42 support, \$375 shelter, \$35 diet allowance, \$52 transport allowance).

The appellant's monthly shelter cost is \$567.99 (\$278.96 mortgage, \$38.03 taxes and \$251.00 utilities).

On August 8, 2017 the appellant requested a crisis supplement to purchase food.

- She stated she did not have any funds left after paying property taxes, strata, hydro, Shaw TV, phone and repaying a \$60 loan to a neighbor.
- She stated she had a medical procedure and required meat and she had already gone to the foodbank twice.

In her request for reconsideration dated August 28, 2017 a note reads: "Aug.19, 2107. [The appellant] has asked me to complete this form on her behalf. She has experienced financial difficulties as she had many bills to pay recently and has no money left over and so has had to rely on the food bank. She has multiple health concerns that requires her to have meat and vegetables (higher cost) than cheaper simple carbohydrates." Signed, [physician number].

At the hearing the appellant stated that

- 8 or 9 months ago she had an outstanding hydro bill. The ministry paid a portion of it and is now taking some money out of her assistance cheque.
- She cannot live without cable and TV and does not want it to be discontinued.
- She has to use some of her food money to pay her utility bill.
- She eats healthy meals for breakfast, lunch and dinner.
- She goes through \$20 (the amount of a crisis supplement for food) in 2 days.
- She pays for her medications but has no unusual expenses.
- She tried to save money from her disability assistance for her nurse.
- She has to pay for the handyDART when she goes to the hospital.

In its oral testimony the ministry presented its reconsideration decision and explained that the appellant has a number of applications before the ministry but that this appeal was solely about the request for a crisis supplement for food. The ministry confirmed that it had paid \$ 74 to BC Hydro and as a result, since March 2017, it has been recovering that money from the appellant's assistance cheques. The ministry also related that

- it had asked the appellant for additional bills but she did not provide any.
- The appellant's nurse is paid by the ministry.
- The appellant's file was last updated in 2012 and the ministry would work with the appellant to update her information.

Pursuant to section 22(4) of the Employment and Assistance Act, the panel admits the appellant's and the ministry's testimonies as these statements provide information on the appellant's financial circumstances and were before the ministry at reconsideration or are in support of this information.

PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry reasonably determined the appellant was not eligible for a crisis supplement to purchase food because she did not satisfy all three criteria set out in section 57(1) of the EAPWDR; the ministry held that

1. the expense was not unexpected,
2. failure to meet the expense would not result in imminent danger to physical health, and
3. there were alternate resources available to the appellant.

The relevant legislation is as follows:

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, ...

Unexpected:

The ministry's position is that the need to purchase food is not an unexpected expense. While the appellant indicated she had many bills recently she has not listed any expenses that would be considered as unexpected. Furthermore, the appellant is aware of her dietary need and her need for meat is not unexpected.

The panel finds that the ministry was reasonable in its determination that there was insufficient evidence of an unexpected expense or an item unexpectedly needed: food is not an unexpected need, the appellant's dietary expenses are not unexpected, and the appellant did not have any unexpected bills or expenses to deal with. The panel agrees with the ministry's analysis and concludes that the ministry reasonably determined that the appellant was not eligible for a crisis supplement for food under section 57(1)(a).

No resources

The appellant submits that she is entitled to a crisis supplement for food because she does not have any funds left after paying her property taxes, strata fees, hydro, Shaw TV, phone and repaying a \$60 loan to a neighbor. She cannot live without cable and TV and does not want it be discontinued. She has prioritized paying her utility bills (including Shaw) so has insufficient resources to purchase food. She also non-discretionary expenses arising from her medications and the requirement to use handyDART when she is going to the hospital.

The ministry's position is that the appellant's support allowance is intended to be used for daily living expenses such as purchasing food and the appellant is provided with a diet allowance. The ministry says if the appellant is unable to manage her monthly expenses it does not result in an entitlement to a crisis supplement.

The panel finds that the ministry was reasonable when it determined the appellant, because she was receiving support allowance and diet allowance, had money available to buy food. Thus the panel finds that the appellant had resources available to pay for food, and the ministry was reasonable in its determination that the appellant was not eligible for a crisis supplement for food under section 57(1)(a).

Imminent danger to health:

The appellant submits that her health will be in jeopardy if the ministry does not give her money to buy meat because her health issues require her to regularly have meat in her diet.

The ministry's position is that there is insufficient evidence to support a probability that not being provided with additional money will place the appellant's physical health in imminent/immediate danger. As an aside, the panel finds when the ministry, in its reconsideration decision, mistakenly made reference to a crisis supplement "to pay the outstanding hydro bill" it meant that the crisis supplement was for food; the ministry's analysis throughout the decision addresses the need for a crisis supplement for food, and in its oral testimony the ministry confirmed that this appeal was solely about a request for a crisis supplement for food.

The panel finds that while the appellant is reporting that she is accessing food from the food bank but needs to eat meat on a daily basis due to health issues there is insufficient evidence that failure to obtain additional funds for food will result in imminent danger to the appellant's physical health. Therefore, the panel finds that the ministry reasonably denied the appellant's request for a crisis supplement for food under section 57(1)(b)(i).

Conclusion

The panel finds that the ministry's decision to deny the appellant a crisis supplement for food is a reasonable application of the applicable enactment in the circumstances of the appellant. The ministry's decision is confirmed and the appellant is not successful on appeal.