

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated September 25, 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 59 of the Employment and Assistance Regulation (EAR). 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 Act Section 4

Employment and Assistance Regulation Section 59

PART E – Summary of Facts

With the consent of both parties, the hearing was conducted as a written hearing pursuant to section 22(3)(b) of the *Employment and Assistance Act*.

The appellant is a “sole recipient” with Persons with Persistent Multiple Barriers (PPMB) to employment level assistance.

August 18/17- the ministry received a request from the appellant for a crisis supplement for clothing.

September 7/17- the appellant was advised she was not eligible for a crisis supplement for clothing.

September 11/17-the appellant submitted a Request for Reconsideration.

September 15/17- the minister completed the review of the appellant’s Request for Reconsideration, the request was denied.

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

- Request for Reconsideration dated September 11, 2017.
- Request for Crisis Supplement- Clothing dated August 18, 2017.
 1. In her Request for Reconsideration dated September 11, 2017, the appellant stated:
 - Her clothing was stolen from the laundry room and now has little clothing due to the theft.
 - This is not something she has budgeted for or have in her budget to compensate.
 - The thrift store has nothing that is suitable.
 - She will need to replace undergarments, runners, pant and tops.
 2. In the Request for Crisis Supplement- Clothing dated August 18, 2017, the appellant stated:
 - She had left clothing in the laundry room and some articles were taken.
 - She had checked with friends and a church but was not able to meet her needs.
 - She does not have the funds to replace the stolen items.
 - She was in need of clothing for health and safety reasons as this will leave her exposed to the elements due to this unexpected problem.

Ministry submission dated October 17, 2012 the ministry stated:

- The ministry’s submission on this matter will be the reconsideration summary provided by the Record of Ministry Decision.

In the appellant’s Notice of Appeal dated September 27, 2017, the appellant wrote:

- In addition to the reasons described in my file I recently lost clothing in a theft in the laundry room.
- I have not the savings nor could I have anticipated this additional loss.

PART F – Reasons for 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 59 of the EAR.

The relevant legislation is as follows:

EMPLOYMENT AND ASSISTANCE ACT

Income assistance and supplements

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

EMPLOYMENT AND ASSISTANCE REGULATION

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,

Section 59 (1)(a) of the EAR- Unexpected expense

The ministry's position is the appellant has not provided evidence that her clothing was stolen such as a letter from the landlord or a police report and that it would not be unexpected that if the appellant left her clothing unattended in a laundry room that it may be stolen.

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

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. Rather, the theft event would be unexpected.

Section 59 (1)(a) of the EAR- Unable to meet the expense or no resources available to obtain the item

The ministry's position is the appellant has not given any evidence that she lacks the resources available to her through her support allowance, family, friends, and community resources.

The appellant's position is she has insufficient funds to replace the clothing and that she has checked with a church and friends who were not able to meet her need.

The panel finds that the ministry was reasonable to conclude that there is insufficient evidence that the appellant is not able to budget her monthly allowance to allow replacement of clothing over a period of time or that she lacks the resources available to her through family, friends and the community.

Section 59 (1) (b)(i)- imminent danger to physical health

The ministry notes the appellant reported only some of her clothing was stolen and the request was made on August 18, 2017, as well, no evidence was given as to what articles were required to prevent a risk of the elements. The ministry therefore found there was 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 she needs to replace the clothing for health and safety reasons as she would be left exposed to the elements.

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 59 of the EAR, therefore finds that the ministry's reconsideration decision which determined that the appellant was not eligible for a crisis supplement pursuant to in Section 59 of the EAR was reasonably supported by the evidence, and therefore confirms the decision. The appellant is not successful in her appeal.