

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated December 11, 2017 in which the Ministry denied the appellant a crisis food supplement because the request did not meet the necessary criteria as specified under Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically, the item requested was not an unexpected expense or an item unexpectedly needed and that failure to provide the item would not result in imminent danger to his physical health.

**PART D – RELEVANT LEGISLATION**

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

## **PART E – SUMMARY OF FACTS**

### **The information before the Ministry at reconsideration included the following:**

The appellant is in receipt of disability assistance as a sole recipient plus a monthly nutritional supplement of \$165.

- November 15, 2017 - The appellant requested a crisis supplement for food, stating that he is unable to eat the food offered at the shelter where he is staying due to health and dietary issues.
- November 28, 2017 – the appellant’s request was denied. The appellant states that he does not have funds for food because he chose to move to a new city. His request does not demonstrate that he has an unexpected expense or need. Because his request for a crisis food supplement does not meet all legislative criteria of EAPWDR section 57, his request for a crisis food supplement has been denied.
- December 1, 2017 – the appellant submitted a Request for Reconsideration advising he recently moved to be closer to his doctor and neck specialists and provided further detail of his dietary restrictions related to thyroid and liver issues. He states that he can no longer eat fatty or greasy food, dairy products, bread or wheat, no packaged cereal, pork, rare meats or processed meats. His diet consists of fish or chicken and well-cooked hamburger.

### **Notice of Appeal dated December 14, 2017, the Appellant’s comments are summarized as follows:**

“The reason being I was assaulted by the gospel mission staff (shelter) and the police are investigating this; plus my health and welfare is at risk staying at these programs where drug use is happening all the time exposing me to harmful second hand smoke from whatever they are smoking; putting my health and life at risk. I have nowhere else to go.” He further states “I disagree because my health and welfare are being in harms way by being subjected to drug use, smoking and injection. I have no choice but to stay at these places. My health is at risk and therefore I cannot, will not stay at these places.”

### **The appellant’s submission to the written hearing, the appellant argues:**

The appellant submission to the written hearing is the Notice of Appeal dated December 14, 2017.

### **The ministry’s submission to the written hearing:**

“The ministry’s submission in this matter will be the reconsideration summary provided in the Record of Ministry Decision.”

The panel admitted the appellant's written testimony, which either substantiated or further explained information already before the ministry, as being in support of the information and records before the ministry at reconsideration in accordance with section 22(4) of the Employment and Assistance Act.

## **PART F – REASONS FOR PANEL DECISION**

The issue in this appeal is whether the ministry's decision to deny the appellant a crisis food supplement because the request did not meet the necessary criteria as specified under Section 57 EAPWDR was reasonably supported by the evidence or a reasonable application of the legislation. Specifically, the item requested was not an unexpected expense or an item unexpectedly needed and that failure to provide the item would not result in imminent danger to his physical health.

### **Relevant Legislation:**

#### *Section 57 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, and*

*(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.  
(BC Reg. 13/2003)

**Panel Decision:**

Relevant to this case is section 57 of the EAPWDR that states there are specific conditions that must be met to qualify for a crisis supplement. The panel must consider the facts of this case as it applies to the legislation.

The first criterion is that the item must be an unexpected expense, or an item unexpectedly needed. The panel finds that the ministry was reasonable in its conclusion under section 57(1)(a) EAPWDR that this criterion was not met as the appellant is requesting a crisis supplement for food is not unexpected because the appellant's dietary needs are ongoing and there is no information to establish that he has an unexpected need or expense for food.

The second criterion is that the appellant is unable to meet the expense or obtain the item because there are no resources available to the family unit. The panel finds that the ministry was reasonable in its conclusion under section 57(1)(a) that the appellant receives a monthly nutritional supplement of \$165 and the appellant does not indicate that he has sought appropriate food from anywhere other than the shelter where he resides.

The third criterion is that failure to obtain the item will result in imminent danger to the appellant's physical health. The appellant states that he is exposed to harmful second-hand smoke from whatever others are smoking putting his health and life at risk. The panel finds that the ministry was reasonable in its conclusion under section 57(1)(b)(i) EAPWDR that the information provided by the appellant is not adequate to assess this third condition.

The panel finds that the ministry's decision that the appellant was not eligible for a crisis supplement under section 57 EAPWDR was supported by the evidence and was a reasonable application of the legislation in the circumstances of the appellant. The panel confirms the ministry's decision in accordance with section 24(1)(a) and 24(2)(a) of the Employment and Assistance Act.

The appellant is not successful on appeal.