

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision dated November 27, 2017 which held that the appellant was not entitled to a crisis supplement to purchase winter boots and gloves on the basis that the appellant did not meet any of the three criteria set out in s.57(1) Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”). Specifically, the Ministry found that the appellant’s need to replace his winter boots and gloves was not unexpected, the winter boots and gloves were not required to prevent imminent danger to the appellant’s health, and the appellant had other resources available to obtain the winter boots and gloves.

**PART D – RELEVANT LEGISLATION**

s. 57(1) Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”)  
s.86(b) Employment and Assistance Regulation (“EAR”)

## **PART E – SUMMARY OF FACTS**

### **The evidence before the Ministry at reconsideration was:**

The appellant is in receipt of disability assistance as a sole recipient. He receives a total monthly amount of \$1,173.42, which breaks down to \$706.42 for support, \$375.00 for shelter, \$40.00 for diet, \$52.00 for transportation.

On November 6, 2017 the appellant requested a crisis supplement to purchase clothing. He stated that his winter boots had fallen apart and his gloves were worn out and full of holes. The appellant stated that he was not able to obtain the items through local community resources and that he had no friends or family to ask for help. He stated that he was not prepared for colder temperatures.

On November 8, 2017 the appellant attended the local office to inquire about his request. The appellant indicated that he was in immediate need for boots because it was cold and his feet were at a risk outside due to holes in his boots. The Ministry worker asked the appellant to explain how the need was unexpected. The appellant did not further explain, but simply stated that it was an emergency.

The Ministry denied the appellant's request for the crisis supplement to purchase clothing. The appellant requested reconsideration of the Ministry's decision and submitted a requested for reconsideration on November 15, 2017.

The appellant requested reconsideration on the basis that he requires sobriety in his life and without basic necessities his contagious infections will worsen and he is not able to move from his current residence.

The appellant was not in attendance at the hearing. After confirming that the appellant was notified of the hearing on December 20, 2017, the hearing proceeded pursuant to Section 86(b) of the Employment and Assistance Regulation ("EAR").

## PART F – REASONS FOR PANEL DECISION

The issue on appeal is whether it was reasonable for the Ministry to deny the appellant a crisis supplement to purchase winter boots and gloves on the basis that the appellant did not meet the three criteria set out in s.57(1) Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”). Specifically, was the Ministry reasonable in finding that the appellant’s need to replace his winter boots and gloves was not unexpected, the winter boots and gloves were not required to prevent imminent danger to the appellant’s health, and the appellant had other resources available to obtain the winter boots and gloves?

### **The legislation provides:**

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.

### **The Ministry:**

The Ministry relies on its reconsideration decision arguing that the appellant did not meet any of the three criteria set out in s.57(1) of EAPWDR. The Ministry found that wear and tear to the appellant’s boots and gloves was not an unexpected expense. The Ministry found that there was insufficient evidence to support the assertion that the appellant’s health would be at imminent risk if he didn’t receive the boots and gloves. The Ministry found that there was no evidence to verify that the appellant would not have been able to budget on a gradual basis for new boots and gloves.

### **The panel finds:**

The Ministry was reasonable in determining that the need to replace boots and gloves was not an unexpected expense. The panel finds that the appellant had the summer months to prepare his winter gear and to make determinations about replacing his winter boots and gloves for the upcoming winter season. Further the panel finds that wear and tear to boots and gloves is predictable and therefore not an unexpected occurrence.

The panel finds that it was not reasonable for the Ministry to determine that the failure to obtain the item would not result in imminent danger to the health of the appellant. The appellant informed the Ministry on November 6, 2017 that his boots had “fallen apart” and that his gloves had “worn out and were full of holes”. The appellant attended at the Ministry office to state that he was at risk outside due to holes in his boots. Given that the appellant made these statements in November and resides in a cold climate, the panel finds that the appellant would be exposed to imminent danger to his physical health without the proper boots or gloves. The appellant also provided in his request for reconsideration that he has “contagious infections” that would worsen without the basic necessities.

The panel finds that it was not reasonable for the Ministry to determine that the appellant had alternate resources available to obtain the winter boots and gloves. The appellant informed the Ministry that he attended at the Salvation Army and local thrift stores and was not able to find boots or proper fitting gloves there. The appellant informed the Ministry that he did not have friends or family to ask for assistance. The evidence before the Ministry at reconsideration is that the appellant earns \$1,173.42 per month, which breaks down to \$706.42 for support, \$375.00 for shelter, \$40.00 for diet, \$52.00 for transportation. The appellant’s monthly rent is \$600 per month.

Given the low monthly income the appellant earns and that his monthly rent is well above what he receives in shelter allowance; the panel finds that it is not reasonable for the Ministry to determine that the appellant would be able to budget for an expense such as winter boots or gloves on the limited income he receives.

The panel finds that in order for Ministry to provide the appellant with the crisis supplement pursuant to s.57(1) of EAPWDR, all three criteria must be met. While the panel finds that the Ministry was not reasonable on two of the criteria, the panel finds that the Ministry was reasonable in determining that the appellant failed to meet the criteria about the need or expense being unexpected, and therefore that the Ministry is reasonable in determining the appellant was not eligible, pursuant to s.57(1) EAPWDR, to receive the crisis supplement.