

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (“ministry”) reconsideration decision, dated 20 December 2017, which determined that the Appellant was not eligible for a crisis supplement for clothing because he did not meet the legislative criteria set out in section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The Ministry determined that the appellant had not demonstrated that:

- the item(s) was unexpectedly needed;
- failure to obtain the item(s) would result in imminent danger to the physical health of a person in the appellant’s family unit or removal of a child; and
- there were no resources available to the family unit to meet the need.

PART D – RELEVANT LEGISLATION

Employment and Assistance for Persons with Disabilities Regulation, Section 57.

PART E – SUMMARY OF FACTS

Neither the appellant nor the ministry attended the hearing. After confirming that both the appellant and the ministry were notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

The information before the ministry at reconsideration included the following:

- the appellant is in receipt of disability assistance as a sole recipient;
- the appellant requested a crisis supplement for clothing on 7 December 2017;
- the appellant stated that he had spent his money on gifts for his grandchildren and helping his daughter with food, clothing, winter wear, etc.;
- the appellant ended up shorting himself on funds and required monies for clothes, boots, gloves, toque and winter coat;
- the appellant had accessed community resources; and
- the appellant was notified on 8 December 2017 that his request had been denied by the ministry.

Request for Reconsideration

The appellant's Request for Reconsideration dated 13 December 2017, which stated: *In regards to condition 4 there is an imminent risk to my health because if my feet are decreasing at an alarming rate, there is no way for me to heal them on my own. For condition 2, I felt that I was obligated to provide for my grandchildren and children because of the situation, which is personal, and Christmas.*

Notice of Appeal

In the Notice of Appeal dated 2 January 2018, the appellant did not provide reasons for appeal.

At the Hearing

Appellant

The appellant did not attend the hearing.

Ministry

The ministry did not attend the hearing.

Admissibility of Additional Information

The panel determined that there is no information before it requiring an admissibility determination under s. 22(4) of the *Employment and Assistance Act*.

PART F – REASONS FOR PANEL DECISION

The issue under appeal whether the ministry reconsideration decision of dated 20 December 2017, which held that the appellant was not eligible for a crisis supplement because he had not demonstrated that all three legislative criteria in section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* had been met, was reasonably supported by the evidence or a reasonable application of the legislation in the circumstances of the appellant.

The ministry was not satisfied that the appellant had demonstrated that the need was unexpected. The ministry also found that the appellant had not provided sufficient evidence to demonstrate that failure to obtain funds would place the appellant's physical health in imminent/immediate danger. In addition, the ministry found that the appellant had not demonstrated that there were no resources available to cover the cost.

The legislation provides:

Crisis supplement

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

Section 57(1) of the EAPWDR allows the minister to provide a crisis supplement to a family unit that is eligible for disability or hardship assistance if the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed. The EAPWDR requires that the following three criteria be met: 1) the item or expense is unexpected, 2) there are no resources available to meet the expense, and 3) failure to meet the expense will result in imminent danger to physical health or removal of a child.

Unexpected Need

Section 57(1)(a) states the applicant must require the supplement to meet an unexpected expense or obtain an item unexpectedly needed. In the reconsideration decision, the ministry concluded that the need for seasonal clothing is not an unexpected expense. The appellant argued in his Request for Reconsideration that he felt obligated to provide for his children and grandchildren due to a personal situation and Christmas. The Panel finds, based on the information provided, that the Ministry's conclusion that the Appellant has not established his need was unexpected or unexpectedly needed as required under Section 57(1)(a) was reasonably supported by the evidence. In reaching this conclusion,

the panel notes that the appellant has indicated that there was a personal situation that caused him to feel obligated to spend his money on family; however, the appellant has not provided additional information to demonstrate that this personal situation led to his unexpected need for clothing.

No Resources

Section 57(1) of the *EAPWDR* requires an applicant requesting a crisis supplement to satisfy the minister that he or she is unable to meet the expense or obtain the item because there are no resources available to the family unit. The panel notes that, in the reconsideration decision, the ministry has incorrectly articulated this criterion as requiring “no alternate resources” rather than “no resources” as set out in the legislation. In the reconsideration decision the ministry argued that the appellant’s support allowance is intended for day to day items, such as clothing. The ministry further argues that the appellant’s decision to use his funds to purchase items for family members, rather than for himself, does not change the fact that he was provided funds for this purpose. The appellant has not addressed this criterion directly in his Request for Reconsideration argument. However, he has argued in his Request for Reconsideration that he felt obligated to use his money to provide for family members. However, the panel finds that the ministry’s determination that this criterion has not been met because the appellant was provided funds for this purpose is a reasonable application of the legislation

Imminent Danger

Section 57(1)(b) states in order for a crisis supplement to be granted it must be demonstrated that the failure to meet the expense or obtain the item will result in the imminent danger to the physical health of the person or removal of a child. In his Request for Reconsideration, the appellant argued that there is an imminent risk to his health. He stated that his “feet are decreasing at an alarming rate and there is no way for [him] to heal them on his own”. The ministry’s position is that the appellant did not provide sufficient evidence to demonstrate that his physical health would be in imminent/immediate danger or that a child would be removed from his care. The panel notes that, in the reconsideration decision, the ministry has simply stated a conclusion that there is insufficient evidence from the appellant. The Panel finds that there is no suggestion by the appellant that removal of a child under the *Child, Family and Community Service Act* is a possibility. However, the panel notes that the appellant has provided no information regarding the foot issue that he argues is an imminent risk to his health. As such, the panel finds that the evidence reasonably supports the ministry’s conclusion that there is insufficient evidence to demonstrate that this criterion has been met.

Conclusion

The panel finds that the ministry’s reconsideration decision, which held that the appellant was not eligible for a crisis supplement to purchase clothing because he did not meet all of the legislated criteria in section 57 of the *EAPWDR*, is a reasonable application of the legislation in the circumstances of the appellant and reasonably supported by the evidence. The panel confirms the ministry’s reconsideration decision. The appellant is not successful on appeal.