

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Social Innovation (“the ministry”) Reconsideration Decision of January 10, 2018 in which the ministry determined that the appellant was ineligible for a crisis supplement to pay an internet bill because he did not meet the legislative criteria set out in Section 59 (1) of the Employment and Assistance Regulation (EAR), specifically that he did not demonstrate that:

- his need was unexpected;
- there were no alternate resources available; and
- failure to obtain the crisis supplement for internet would result in imminent danger to his physical health.

PART D – RELEVANT LEGISLATION

Employment and Assistance Regulation Section 59(1)

PART E – SUMMARY OF FACTS

The appellant is a sole recipient of Income Assistance.

The evidence before the ministry at reconsideration included:

- the appellant's request for reconsideration in which he noted that he needed the internet for employment purposes and to keep in touch with counsellor;
- a Request for Crisis Supplement – Utilities form dated December 27, 2017 in which the appellant indicated that his file had closed in October so he could not make a payment for internet and that he now has internet again. In response to the questions "How much do you currently owe on the account" the response was "0" and "What is the direct threat to your health and safety? The response was "only source for communication";
- a copy of a receipt from a cable company showing a payment of \$215 was made on December 22, 2017

Additional Information

On the appellant's Notice of Appeal form signed on January 19, 2018 the appellant wrote "Problem caused by the ministry and need internet for College".

On February 1, 2018 the appellant provided a late submission which included: a copy of a return to work Action Plan dated November 20, 2017 which indicated the appellant had been approved by a local agency for sponsorship at a 10 month program; a confirmation of sponsorship form that showed tuition, registration and text books in the amount of \$2048 for a funding period of January 2, 2018 to April 15, 2018; a registration statement from the college showing the fees due as well as a copy of a fax cover sheet date stamped February 1, 2018 from the local employment agency to the ministry informing them that the appellant needs to maintain his assistance while working on his return to work Action Plan which includes attending a 10 month program.

At the hearing, the appellant argued that his file had been closed without his knowledge so he had to reapply in September, however the paperwork went missing so he had to redo his application in October, which resulted in a delay in receiving income assistance until the end of October. The appellant explained that he had been on assistance and then worked from June, 2017 until August, 2017 and that he lived off of his savings for a period of time before reapplying for assistance. The appellant argues that because he had made a payment arrangement with the internet company and when there was a delay in receiving assistance, due to a ministry error, he had been unable to make the payment so his internet was cut off. The appellant stated that he really needed internet services as he had just received funding to attend a college program and that some of the courses were online courses so he went ahead and paid the internet bill on December 22, 2018 out of his food money which left him without any funds for food for the month. The appellant explained that he had to rely on friends for food as well as a Christmas hamper that month. The appellant stated that he was not able to use community computers for his course as they did not have the capabilities of using certain programs to participate in the online course. The appellant argues that if he had been able to keep paying his monthly repayment amount to the cable company he would not have had to pay the full amount all at once and that because of a ministry delay in him receiving his cheque this was why his internet was cut off thus requiring full payment before reconnection.

The ministry did not attend the hearing so the panel will reference the reconsideration decision as well as documents provided in the appeal record for their position.

Admissibility of New Information

The panel considered the information from the appellant, regarding his situation that he required internet to attend school, as being in support of the information that the appellant required internet for communication and employment purposes, which was before the ministry at reconsideration. Therefore, the panel admitted the written and oral testimony in accordance with Section 22(4)(b) of the *Employment and Assistance Act*.

PART F – REASONS FOR PANEL DECISION

The decision under appeal is the reasonableness of the ministry reconsideration decision of January 10, 2018 in which the ministry determined that the appellant was ineligible for a crisis supplement to pay an internet bill because he did not meet the legislative criteria set out in Section 59 (1) of the Employment and Assistance Regulation (EAR), specifically that he did not demonstrate that:

- his need was unexpected;
- there were no alternate resources available; and
- failure to obtain the crisis supplement for internet would result in imminent danger to his physical health.

EAR:

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

The appellant's position is that the reason he was unable to make his monthly internet payment resulting in his internet being cut off was because the ministry closed his file without his knowledge and there was a ministry-caused delay in reopening it. Also, that because the internet had been cut off he was required to pay the full amount owing in order to be reconnected, which he did out of his food money, but it resulted in him having no money for food that month.

The ministry's position is that all the criteria of section 59(1) of the EAR must be met in order to issue a crisis supplement. For the first requirement that the item requested must be for an unexpected item of need, the ministry argues that appellant did not meet this criteria because he described that he had been unable to pay his internet bill because his file had closed, however his file closed on September 15, 2017 after the appellant had secured employment and had made no contact with them since June of 2017 so the minister was not satisfied that the need for money to pay for internet services was unexpected to the appellant. For the second requirement that there must be no resources available, the ministry argues that when the appellant requested a crisis supplement to pay an internet bill he provided a receipt showing the bill had been paid on December 22, 2017 and that he had internet again, so they were not satisfied that he did not have resources to pay the internet bill. For the third requirement that failure to obtain the item will result in imminent danger to physical health, the ministry argues that although having internet may impact the ability to look for work or communicate with people, the ministry found no evidence that failure to pay the internet would result in imminent danger to the appellant's physical health.

Panel Decision

The authority for the ministry to provide a crisis supplement is provided in section 59(1) of the EAR which requires that the item requested is to meet an unexpected expense or obtain an item unexpectedly needed, there are no resources available to pay for it **and** not obtaining the item would result in imminent danger to a person's physical health.

Unexpected Expense

The legislation requires that a crisis supplement can only be issued for something unexpected and the panel notes that the appellant had paid for internet in the past and that he was aware for several months that he had a bill owing which demonstrates that the item was not unexpected so therefore finds that the ministry was reasonable in their decision that they were not satisfied that the need for money to pay for internet services was an unexpected expense as is required pursuant to section 59(1)(a).

Resources

The appellant argues that it was due to the ministry closing his file and there being a delay in reopening it that caused him to miss a payment which meant that he had to make full payment on the amount owing before service could be reinstated. The appellant stated that he made a conscious decision to pay the internet bill out of his food money, even though it meant seeking help from friends and community resources for food, because he required internet services and that he requested the ministry issue him a crisis supplement to reimburse him.

The ministry's argument is that the appellant described that he had been unable to pay his internet bill because his file had closed, however they note that his file closed on September 15, 2017 after not having had any contact with them since June of 2017 due to him working and that his file did reopen in October. The ministry noted that the appellant provided a receipt to them that showed the bill had been paid on December 22, 2017 so they were not satisfied that he did not have the resources to pay the internet bill.

The panel cannot make any determination as to why a file may have closed or when it reopened but can only focus on whether the ministry was reasonable in determining whether the appellant had resources available to him when he requested a crisis supplement. The panel notes that the appellant did submit a receipt showing that the internet bill had been paid, which demonstrates that he had resources available to him, so therefore finds that the ministry reasonably concluded that the requirement to have no resources was not met pursuant to section 59(1)(a).

Imminent Danger to physical health

Regarding the requirement for whether or not obtaining internet service would result in imminent danger to the appellant, the panel finds that there is no evidence to indicate that by not paying an internet bill the appellant would be in imminent danger to his physical health. The panel finds the ministry was reasonable in their decision that the appellant was not eligible for a crisis supplement to pay an internet bill as not paying it would not result in imminent danger to his physical health as is required pursuant to section 59(1)(b).

Conclusion

For the reasons noted above the panel concludes that the ministry's determination that the appellant is ineligible for a crisis supplement to pay an internet bill is a reasonable application of the applicable legislation in the appellant's circumstances, and confirms the decision. The appellant is not successful in his appeal.