

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) dated January 26, 2018 that denied the appellant's request for a crisis supplement to purchase a bed and mattress because the request did not meet all the necessary criteria as specified under Section 59 of the Employment and Assistance Regulation (EAR).

PART D – RELEVANT LEGISLATION

Employment and Assistance Regulation (EAR) Section 59(1)

PART E – SUMMARY OF FACTS

The evidence before the ministry at reconsideration was as follows:

The appellant is currently receiving income assistance as a sole recipient.

- December 13, 2017 – the appellant submitted quotes for a bed and mattress from several local furniture stores to the ministry.
- December 27, 2017 – the appellant contacted the ministry requesting a queen size bed stating he had a blood clot in his leg and need a bed as he had been sleeping on a couch for over a month, and he had not explored any community resources to help with obtaining a bed.
- December 27, 2017 - the ministry denied the appellants request because he did not present an unexpected expense and the ministry established that he had resources available to obtain the bed. Additionally, the appellant stated that he had not made use of any community resources to obtain a bed and mattress.
- January 17, 2018 - the appellant submitted his Request for Reconsideration stating that he looked locally at other resources but couldn't find anything, that he had a blood clot in his leg and needs proper ways to sleep and that he doesn't have the money and needs help in getting a bed and mattress.

Notice of Appeal dated February 15, 2018, the appellant stated the following: "I think I have made the criteria. I don't have a bed so it's an unexpected expense. I need to get a bed for better health reasons."

At the hearing:

The appellant states that he was sleeping in his car in June 2017 and developed blood clots in his leg and lungs and has been on medication since then. He states that he has not requested a written note from his medical practitioner confirming that he has this blood clot condition. He confirmed that he has been sleeping on a couch for 5 months and has tried to find an affordable or free bed in his community, but he was not successful in acquiring one.

The ministry relied on the reconsideration decision, as summarized at the hearing. The ministry stated that they have no documentation to support a medical condition that would provide evidence of imminent danger to the physical health of the appellant.

The panel admitted the appellant's 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, which denied the appellant's request for a crisis supplement to purchase a bed and mattress because the request did not meet all the necessary criteria as specified under Section 59 of the Employment and Assistance Regulation (EAR) was reasonable.

The legislation applicable in this appeal is as follows:

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*.

(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 income 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.

Panel Decision:

Relevant to this case is section 59 of the EAR 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 59(1)(a) EAR that this criterion was not met as the appellant is requesting a crisis supplement for a bed and mattress is not unexpected because a bed is not an item that is unexpectedly needed.

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 59(1)(a) EAR that the appellant has not established that he does not have resources available to obtain a bed and mattress as he has not indicated that he has exhausted all resources available in his community.

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 has blood clots in his leg that can present a medical risk, however there is not adequate documentation in his request to determine if there is imminent danger to his physical health if he does not obtain a bed. The panel finds that the ministry was reasonable in its conclusion under section 59(1)(b)(i) EAR 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 59 EAR 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.