

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the reconsideration decision dated December 28, 2017, made by the Ministry of Social Development and Poverty Reduction (the ministry), which determined that the appellant was not eligible to receive a crisis supplement for a new bed because the request does not meet two of the three legislated criteria found in section 57 of the EAPWDR in that this was not an unexpected expense and failure to provide the crisis supplement will not result in imminent danger to the appellant's physical health.

**PART D – RELEVANT LEGISLATION**

The relevant legislation is section 57 of the EAPWDR.

**PART E – SUMMARY OF FACTS**

On October 24, 2017 the appellant requested that the ministry provide her with a new bed. The appellant stated that her current bed is too small and that in order to sleep properly she requires a larger bed. The appellant told the ministry that her current bed is still in useable condition and that she does not have any medical conditions that require a larger bed. The appellant was granted additional time to submit further information but did not do so.

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

The issue under appeal is the reasonableness of the ministry's decision finding the appellant is not eligible to receive a crisis supplement for a new bed because her request does not meet two of the three legislated criteria found in section 57 of the EAPWDR in that this was not an unexpected expense and failure to provide the crisis supplement will not result in imminent danger to the appellant's physical health.

The relevant legislation is section 57 of the 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*.

This appeal was held by written hearing by consent of the parties in accordance with section 22(3)(b) of the *Employment and Assistance Act*.

In her Notice of Appeal the appellant writes: "I applied a bed because my old mattress is not comfortable for. But the appeal was denied. I cannot buy because I can not afford buy."

The ministry relied on its reconsideration decision on which it found that the appellant's request does not meet two of the three requirements in the legislation, namely: (i) the need for the item is unexpected, and (ii) failure to obtain the item will result in imminent danger to the appellant's physical health.

The ministry found that there is no unexpected need for a new bed because the appellant told the ministry that she does not need a new bed, but rather wants a larger bed. Given that the appellant has not demonstrated that her desire for a larger bed is unexpected in any way, it was reasonable for the ministry to find that the appellant did not meet this criteria.

The ministry found that there was no imminent danger to the physical health of the appellant if she did not receive a new bed because the appellant told the ministry that she did not need a new bed, but simply wanted a larger bed. Given that the appellant has not demonstrated that failure to obtain a new bed would result in imminent danger to her physical health, it was reasonable for the ministry to find that the appellant did not meet this criteria.

Accordingly, the panel finds that the Ministry's decision to deny the appellant a crisis supplement for a new bed was a reasonable application of the relevant legislation and confirms the Ministry's reconsideration decision.