

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the Ministry of Social Development and Poverty Reduction's Reconsideration Decision dated March 22, 2018, which denied the appellant's request for a crisis supplement to pay a cell phone bill on the grounds that the Appellant

- (i) did not meet the criterion that the need for money was to meet an unexpected expense or obtain an item unexpectedly needed
- (ii) did not meet the criterion of no resources available with which to pay the cell phone bill, and
- (ii) did not meet the criterion that imminent danger to the Appellant's physical health could result from to pay the cell phone bill

**PART D – RELEVANT LEGISLATION**

*Employment and Assistance Act (EAA), section 4*

*Employment and Assistance Regulation (EAR), section 59 (1)*

## **PART E – SUMMARY OF FACTS**

### **Documents and Information Before the Minister at Reconsideration**

The documents and information before the ministry at the time of the reconsideration decision included:

#### **A. A Request for Reconsideration dated April 8, 2018, which included**

- The decision to be reconsidered
- The Appellant's statement that he is looking to recover money for the cell phone bill for airtime costs for telephoning the Government of BC in the summer approximately of \$80, so that the bill does not increase, and employers can contact him
- That the costs he wishes to recover are long distance charges before calling the government of another province
- The intake worker requested he contact the government in another province about closing his file

#### **B. A cell phone bill dated February 17, 2018 (9 pages)**

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

### **ISSUE ON APPEAL**

The issue on appeal is whether the Ministry of Social Development and Poverty Reduction's Reconsideration Decision dated March 22, 2018, which denied the appellant's request for a crisis supplement to pay a cell phone bill on the grounds that the Appellant

- (i) did not meet the criterion that the need for money was to meet an unexpected expense or obtain an item unexpectedly needed
- (ii) did not meet the criterion of no resources available with which to pay the cell phone bill, and
- (ii) did not meet the criterion that imminent danger to the Appellant's physical health could result from failure to pay the cell phone bill

was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the Appellant.

### **APPLICABLE LEGISLATION**

Employment and Assistance Act, section 4

#### **Income assistance and supplements**

- 4** Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance Regulation, section 59 (1)

#### **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) .....

### **APPELLANT'S SUBMISSION**

In his Notice of Appeal, the Appellant provided no additional facts or argument.

At the hearing, the Appellant submitted that he was requesting money with which to pay his cell phone bill for calls made by him to the ministry and by the ministry to him, in British Columbia and to any equivalent agency in another province.

The Appellant said that he was on income assistance in another province for a short while, and then moved to British Columbia about six months ago, while he was still on assistance from that another province. He said many of his calls were made to that other province, as well as to the ministry in British Columbia about whether or not he'd been approved for income assistance.

He said that the purpose of the calls was to check on his status as an applicant for income assistance and he also stated that the purpose of the calls was to determine if he would be repaid for the expense of using his cell phone to communicate with the ministry about his status as an applicant for income assistance.

He said that he had called the ministry on numerous occasions and asked for a call back which he sometimes got and sometimes did not get. He said that even if he called a toll-free number to the ministry he still incurred charges for airtime when he had exceeded the number of minutes included in his cell phone plan. He submitted that he had his cell phone plan for about four months before the charges arose and at one point said that he did not know that his cell phone plan would not cover these charges, and he also said that when he signed up for the cell phone plan he was aware that if he exceeded the included number of minutes he would have to pay extra. He said that he could not call from any other number because his residence was remote and to use another phone he would have to travel by bus from his residence to another community some distance away.

The Appellant said that he may have paid part of the cell phone bill, but not all of it and he had now been cut off.

He said that he was only looking for about \$90 or \$100, and that the rest of the cell phone bill was for various personal calls.

On being questioned as to whether or not the lack of a cell phone or non-payment of the cell phone bill may result in imminent danger to his physical health, he said it would not, but speculated that he might need a cell phone in an emergency. He said that his loss of the cell phone would mean he is hampered in finding gainful employment.

### **MINISTRY SUBMISSION**

The ministry relied upon the Reconsideration Decision, and submitted that the appellant had paid the cell phone bill, so he could not complain that he had no alternate resources available with which to pay it, that a cell phone bill is not unexpected nor is the expense of a cell phone unexpected and that failure to pay the cell phone bill would not result in imminent danger to the Appellant's physical health.

### **PANEL FINDING**

The panel finds that the purpose of the legislation is simply stated in its language: to provide a crisis supplement when there is an unexpected expense, that there are no resources with which to meet such an expense and that failing to meet it will result in imminent danger to the appellant's physical health.

#### *Criterion (i) The Supplement Was Required to Meet an Unexpected Expense or to Obtain an Item Unexpectedly Needed*

The Appellant submitted that he was looking to recover the cell phone bill for airtime costs incurred in telephoning the ministry in British Columbia and its equivalent in another province. In the Reconsideration Decision, it was noted that the Appellant had already paid the bill and was asking for reimbursement.

The panel finds that the criterion of the Appellant having to meet an unexpected expense was not satisfied because a cell phone bill is a recurring item, not something unexpected, and the need for a cell phone was not unexpected as the Appellant already had one.

The panel finds that the criterion of the appellant requiring money to meet an unexpected expense or having to pay for something which is unexpectedly needed was not met.

The Appellant fails to satisfy this criterion.

#### *Criterion (ii) No Resources Available*

The Appellant made no submission as to the availability of resources to him with which to pay the cell phone bill..

The ministry's position was that the cell phone bill had already been paid, and the panel notes that the appellant stated that he had already paid part of it. The ministry also noted that the Appellant was asking for reimbursement. The Appellant had said in his submission at reconsideration that he was "*looking to recover a cell phone bill for airtime costs...*" The ministry concluded that the Appellant had the money to pay the bill, because he paid it, and therefore the Appellant did not meet the criterion of having no resources available with which to pay the bill.

The panel notes that the Appellant wanted to "recover" the bill for airtime costs, and this is consonant with the ministry's interpretation that he wanted reimbursement for a bill already paid.

The panel finds that the appellant had paid the cell phone bill and wanted reimbursement for it. The panel also finds that there was no evidence of the Appellant having no resources available with which to pay the cell phone bill.

The panel finds that the criterion requiring the Appellant to have no resources available with which to pay the cell phone bill was not satisfied.

The Appellant fails to satisfy this criterion.

#### *Criterion (iii) The Failure to Meet the Expense Will Result in Imminent danger to the Appellant's Physical Health*

The Appellant agreed that lack of the cell phone or not paying his cell phone bill would not result in imminent danger to his physical health.

The ministry submitted that the Appellant would not be in any imminent danger to his physical health if a cell phone bill was not paid or if he did not have a cell phone.

The panel finds that even if the cell phone bill had not been paid, non-payment of a cell phone bill would not result in imminent danger to the Appellant's health. The panel finds that the criterion of the Appellant's health being in imminent danger because of the expense of the cell phone bill, was not satisfied.

The Appellant fails to satisfy this criterion.

The panel finds that as the Appellant met none of the three legislated criteria for a crisis supplement, he is not eligible for it.

**Conclusion**

The panel finds that the ministry's determination that the crisis supplement sought was not for an unexpected expense nor an item unexpectedly needed for which the Appellant had no resources, and that failing to pay the cell phone bill would not result in imminent danger to the Appellant's physical health, to be reasonably supported by the evidence and a reasonable application of the applicable enactment, namely the *Employment and Assistance Regulation* section 59(1), in the circumstances of the Appellant.

The panel confirms the ministry's reconsideration decision. The appellant is not successful on his appeal.