

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated January 9, 2018 in which the ministry denied the appellant a crisis supplement for clothing because the request did not meet the necessary criteria as specified under Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry found that the appellant's need is not unexpected, that there is insufficient evidence that there is a lack of resources available to meet this need and there is insufficient evidence to support a probability that failure to obtain clothing will place her health in imminent danger.

**PART D – RELEVANT LEGISLATION**

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57

## **PART E – SUMMARY OF FACTS**

The appellant was not in attendance at the hearing. After confirming that the appellant was notified of the hearing, the hearing proceeded in her absence in accordance with section 86(b) of the Employment and Assistance Regulation.

### **The information before the Ministry at reconsideration included the following:**

- December 5, 2017 – the appellant informed the ministry of a request for winter clothing.
- December 6, 2017 – the appellant advised the ministry of a lack of any winter clothing, stating that the appellant had recently moved to a northern city and did not have winter clothing and that all the appellant's clothing is worn out. The ministry advised the appellant that it does not view winter as being unexpected nor is wear and tear of clothing considered unexpected.
- December 20, 2017 – the appellant submitted her Request for Reconsideration stating that the expense to replace a bed and couch due to bedbugs was unexpected and had to be done twice and the expense of replacing the items used up the budgeted money for winter clothing. The appellant does not feel comfortable buying used or old clothing from thrift stores because they would have to be washed first, which costs money because of the lack of a washer/dryer requires a laundromat to be used and, due to a brain injury, the appellant is averse to buying second hand clothing.

### **Notice of Appeal dated November 14, 2017, the Appellant stated the following:**

Winter clothing – infested with bed bugs before moving – need replacement clothing / unable to wash previous clothing.

### **At the hearing:**

The ministry relied on the reconsideration decision as summarized at the hearing. The appellant argues that she used her available budget to replace her bed and couch due to bedbugs, however, she moved to her new city in March 2015, her bed was replaced in July 2017, by a crisis supplement for bed bugs, just before her move to her current location. Further, there are no bedbug infestations reported at her new location. Her need for winter clothing is not unexpected, she currently has clothing that needs washing and has low cost alternatives in her city and she has not established that failure to receive a crisis supplement for clothing will result in imminent danger to her physical health.

The panel admitted the appellant's written 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 to deny the appellant a crisis supplement for clothing because the request did not meet the necessary criteria as specified under Section 57 EAPWDR was reasonably supported by the evidence or a reasonable application of the legislation. The ministry found that the appellant's need is not unexpected, that there is insufficient evidence that there is a lack of resources available to meet this need and there is insufficient evidence to support a probability that failure to obtain clothing will place her health in imminent danger.

### **Relevant Legislation:**

#### *Section 57 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.*

*(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 disability 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.*
- (BC Reg. 13/2003)

**Panel Decision:**

Relevant to this case is section 57 of the EAPWDR 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 57(1)(a) EAPWDR that this criterion was not met as the appellant is requesting the allowance to purchase clothing and it can be anticipated that clothing requires regular replacement due to wear and tear.

The second criterion under section 57(1)(a) EAPWDR 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 ministry argues that the appellant was provided a crisis supplement in July 2017 to purchase a bed, shortly before her move to her current location. The panel finds that the ministry was reasonable to conclude that the appellant has not met this criterion as she should have funds available from her budget to purchase clothing, and she can wash the clothing she has, which is much less costly than purchasing new winter clothing.

The third criterion under section 57(1)(a) EAPWDR is that failure to obtain the item will result in imminent danger to the appellant's physical health. The panel finds that the ministry was reasonable to conclude that the appellant has not met this criterion as she has clothing available, however she is reluctant to wash it due to cost and fear of bed bugs as washing is not to her standard of cleanliness.

The panel notes that all three criteria must be satisfied to be eligible for a crisis supplement.

The panel finds that the ministry's decision that the appellant was not eligible for a crisis supplement under section 57 EAPWDR 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.