

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated May 10, 2018, which determined that the appellant was not eligible for a crisis supplement for clothing because the appellant's request did not meet the criteria set out in section 59 (1) (b) (i) of the Employment and Assistance Regulation. The ministry held that there was insufficient evidence that the appellant's physical health would be in imminent danger if funds for clothing were not provided.

PART D – RELEVANT LEGISLATION

Employment and Assistance Act (EAA) section 4

Employment and Assistance Regulation (EAR) section 59 (1) and (4)

PART E – SUMMARY OF FACTS

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under section 86 (b) of the EAR.

Relevant Evidence Before the Minister at Reconsideration

Ministry records state:

- The appellant is currently receiving income assistance as a sole recipient.
- On April 8, 2018, the appellant requested a crisis supplement for clothing, as he reported that his shoes, rain gear, jeans and other clothing were stolen. The appellant stated that he had tried to replace his clothing at local churches and also asked friends and family for help, but without success. The appellant advised that without adequate clothing he would be unable to manage his day-to-day activities.
- When the appellant's Request for Reconsideration was reviewed, the ministry noted that there was an error on the file. The file indicated that the appellant had received the yearly maximum amount for a crisis supplement for clothing. The ministry issued a crisis clothing supplement on May 15, 2017 for \$50 and \$50 for the appellant's spouse. However, legislation indicates that \$100 can be issued for each family unit.
- Notes:
- The appellant states he is in need and because of a 14-day difference he's being denied. He understands the rules but CRISIS happens without warning. "So please reconsider I have no clothing. I am wearing the same borrowed clothes day after day. Can urgency be placed on this request."
- The appellant would like to stress the importance of this application. He was living in a home. His shoes, jacket, jeans and under garments are all part of things that a person has taken out of the home. A police report was made. Nevertheless he is left without shoes. This has caused imminent danger to his health and safety as he cannot go outside – shopping, doctor's appointment, mental health appointments and obligations directed to him by the ministry.

Information provided by the appellant (Reason for Request for Reconsideration):

- The appellant is in need of clothing. He has received the maximum but is only two weeks away from being renewed and his need is now, and the need to be able to purchase some very needed personal items like underwear and shoes is very real. His health and mental wellness depends on these things and he has not abused this system in any way. He does believe that a two-week grace could be given.

Additional Evidence

- Request For Crisis Supplement – Clothing, dated April 8, 2018.

Appellant

The appellant stated, in his Notice of Appeal (received May 14, 2018), that he is well within his rights asking for help. He was robbed of all his clothing from a past tenent, and named her in the police report. He was left with absolutely nothing and doesn't receive enough money montly to get new clothes. He has tried to get suitable things for free and has come up short. He replaced some things but is still in need of shoes, a jacket and other needs.

The information in the Notice of Appeal was in support of the evidence before the ministry at reconsideration. It is therefore admitted under section 22 (4) of the *Employment and Assistance Act*.

Ministry

The ministry relied on its Reconsideration Decision (10 May, 2018) at the hearing.

- The ministry acknowledged that during the reconsideration process, it was realized that the appellant's spouse was also on the file, and the original decision that stated the appellant had received the maximum allowable assistance for a clothing crisis supplement, was not correct. The appellant received \$50 and legislation states that \$100 can be issued for each family member.
- The ministry also confirmed that in May 2017, when the \$50 for the crisis clothing supplement was issued, all applicable criteria under section 59 of the EAR would have been met, but in April 2018, the criteria regarding "imminent danger to the physical health of any person in the family unit...", was not met.
- The ministry summarized that section 59 (1) (a) of the EAR had been met in that the ministry was satisfied that the need was unexpected and there are no resources available; however the ministry was not able to determine that there was imminent danger to the appellant's physical health as is required under section 59 (1) (b) (i) of the EAR.

PART F – REASONS FOR PANEL DECISION

The issue under appeal is the reasonableness of the ministry decision, dated May 10, 2018, to deny the appellant a crisis supplement for clothing.

The ministry was satisfied that the theft of the appellant's clothing was unexpected and there are no resources to obtain clothing. Therefore the criteria required under the EAR section 59 (1) (a) were met.

However, the ministry concluded that there was insufficient evidence to support the criterion of imminent danger to the appellant's physical health if funds were not provided, as is required under section 59 (1) (b) (i) of the EAR.

The legislation provides:

Employment and Assistance Act

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

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

...

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:

...

(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

...

Ministry Position

The ministry argues that the appellant did not meet all the applicable criteria under section 59 (1) of the EAR, in that the ministry was not able to determine that there was imminent danger to the appellant's physical health, if a clothing crisis supplement was not provided, as is required under section 59 (1) (b) (i).

Appellant Position

The appellant argues that he was robbed of all his clothing and is left with absolutely nothing. He doesn't receive enough money to buy new clothes, has tried to get suitable things for free but has come up short. He needs to purchase some items like underwear, shoes and a jacket. His health and mental wellness depend on these things.

Panel Decision

The panel acknowledges that the ministry incorrectly advised the appellant that he received the maximum allowable assistance for a crisis clothing supplement in May 2017. However, this does not preclude the fact that all the applicable criteria under section 59 (1) of the EAR must be met, with each application, to be eligible for a crisis supplement for clothing.

Section 59 (1) of the EAR states, "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..."

Although the appellant has stated that the denial of the crisis supplement for clothing has caused imminent danger to his health and safety as he cannot go outside –e.g., shopping, doctors appointments, mental health appointments and obligations directed to him by the ministry, the panel finds there is insufficient evidence to support that the appellant's physical health would be in "imminent danger" without the crisis clothing supplement.

Conclusion:

Therefore, the panel finds that the ministry reasonably concluded that the appellant's request for a crisis supplement for clothing has not met all of the applicable criteria set out in section 59 (1) of the EAR. The panel therefore finds that the ministry's decision to deny the appellant's request for a crisis supplement for clothing was reasonably supported by the evidence. The panel confirms the ministry's reconsideration decision. The appellant is not successful with the appeal.

PART G – ORDER

THE PANEL DECISION IS: (Check one)

 UNANIMOUS BY MAJORITY

THE PANEL

 CONFIRMS THE MINISTRY DECISION RESCINDS THE MINISTRY DECISION

If the ministry decision is rescinded, is the panel decision referred back to the Minister for a decision as to amount? Yes No

LEGISLATIVE AUTHORITY FOR THE DECISION:*Employment and Assistance Act*Section 24(1)(a) or Section 24(1)(b)

and

Section 24(2)(a) or Section 24(2)(b) **PART H – SIGNATURES**

PRINT NAME

Connie Simonsen

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2018/June/05

PRINT NAME

Robert Kelly

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018/June/05

PRINT NAME

Perry Mazzone

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018/June/05