

PART C – DECISION UNDER APPEAL

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Poverty Reduction (the ministry) dated 18 June 2018 that denied the appellant's request for a crisis supplement to purchase a bed. The ministry found that the appellant's request did not meet the requirements of Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation). The ministry determined that the appellant failed to establish that:

- A crisis supplement for a bed was required to meet an unexpected expense or obtain an item that that was unexpectedly needed;
- There are no resources available to the appellant to meet the expense or obtain the item; and
- Failure to meet the expense of a bed or obtain a bed would result in imminent danger to her physical health.

PART D – RELEVANT LEGISLATION

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

Employment and Assistance Act (EAA), section 22(4).

PART E – SUMMARY OF FACTS

The evidence before the ministry at reconsideration included the following:

1. The appellant is a recipient of disability assistance.
2. On 14 May 2018, the appellant contacted the ministry office to request assistance with purchasing a bed. In making this request, and in subsequent contacts with the ministry, the appellant provided the following information:
 - She stated that she had left behind her previous bed when moving from another city seven months ago, as that bed had bed bugs. Since then, she had been sleeping on an air mattress, which she has had to patch several times.
 - She stated that she had just found out that she will be having surgery in the near future and this will require subsequent bed rest.
 - She stated that she needs a basic bed only, and that she can purchase linen from her support allowance.
 - She subsequently provided quotes for \$480.46 from one store, \$291.17 from another, and stated that she was looking at one on a social media site where the current auction price was \$200, and it might have been sold by then.
3. In her Request for Reconsideration, dated 04 June 2018, she writes that she has never asked for furniture before and it is kind of embarrassing. She had been sleeping on an air mattress that was killing her back and popped a couple of times. She explains that she will be starting school in September, and she is also waiting for a date for surgery, after which she will be bedridden for a while. She wants to be able to wake up and feel energized and alert for school and also be in comfort after surgery.

She writes that, “after all this,” she bought a bed for \$150, going into her support allowance for the month, and is now feeling better. She is looking for help to get the money she'd spent back, or even half of it back – that would be very helpful.

Notice of Appeal

The appellant's Notice of Appeal is dated 27 June 2018.

Under Reasons for Appeal, the appellant writes that she had to get a bed because it was killing her back sleeping on an air mattress. She has surgery coming up, after which she will be bedridden for a while. She is also starting school in September, so a comfortable sleep is needed. She suffered the month she bought the bed as it was a 5-week month and she was only allowed a \$20 emergency grant. Buying the bed meant that she had to go into her food money. She explains that she really only asked for half [of the cost of the bed] back and she should have been entitled to that. She has never asked for a bed before but a little bit of help would be nice.

Submissions for the written hearing

In a submission dated 12 July 2018 (written on a Notice of Appeal form), the appellant states:
“Buying a new bed is not within my budget, as I am going to have a few surgeries very

soon which will have me bedridden for at least eight weeks per surgery and I would like the comfort of a real bed rather than an air mattress. As I have not requested anything before this, I hope this decision can be overturned, so that I can heal in a good and comfortable way. I am also returning to school in September and feel that a good night's sleep helps towards better thinking and education.”

In an email dated 24 July 2018, the ministry states that its submission in this matter will be the reconsideration summary provided in the Record of Ministry Decision.

Admissibility of additional information

The panel finds that the information provided by the appellant in her Notice of Appeal and in her submission on appeal is in support of the information and records before the ministry at reconsideration, as it tends to corroborate the information the appellant provided the ministry in making her request and in her Request for Reconsideration. The panel therefore admits this information as evidence pursuant to section 22(4) of the *Employment and Assistance Act*.

PART F – REASONS FOR PANEL DECISION

The issue in this appeal is whether the ministry was reasonable in denying the appellant's request for a crisis supplement to purchase a bed pursuant to section 57(1) of the EAPWDR. More specifically, the issue is whether the following ministry determination is reasonably supported by the evidence or is a reasonable application of the legislation in the circumstances of the appellant: the appellant failed to establish that

- she requires a crisis supplement for a bed to meet an unexpected expense or obtain an item unexpectedly needed;
- there are no resources available to the appellant to meet the expense or obtain the item; and
- failure to meet the expense of a bed or obtain a bed would result in imminent danger to her physical health.

The relevant legislation is from 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*.

Analysis

Under the legislation, for it to approve the appellant's request for a crisis supplement, the ministry must be satisfied that her request meets each of the *Unexpected need*, *No resources available* and *Imminent danger to physical health* criteria set out in section 57(1) of the EAPWDR. The panel addresses these criteria below:

Unexpected need

The appellant has not explicitly argued that her need for a bed is unexpected. However, there are elements of her request that she might consider to be of an unexpected nature and that she trusts that the ministry will take into account in finding that she had an unexpected need for a bed. These include having bed bugs in her previous bed, requiring her to leave it behind when she moved to another city, the discomfort she experienced in using an air mattress and its need for patching, and her upcoming surgeries and the resulting requirement for several weeks of bed rest afterwards.

In the reconsideration decision, the ministry noted that the appellant advised that she had been sleeping on an air mattress, which she had to patch several times, for seven months prior to requesting assistance for funds for a bed. The ministry held that it was not satisfied that her

need for a bed was an unexpected expense or an item unexpectedly needed.

The legislation is clear that the purpose of a crisis supplement is to provide a remedy for an immediate, unexpected situation. While having a bed infested with bedbugs might be considered unexpected at the time, as the ministry noted in his decision, such an infestation is treatable, without recourse to obtaining another bed. As the ministry also noted, when she made her original request she had been sleeping on an air mattress for several months. In the panel's view, the legislation cannot be construed as authorizing the ministry to provide a remedy for a situation long since past.

Similarly, as the appellant had been using an air mattress for several months before requesting funds for a new bed, her discomfort and the need for patching it cannot be said to be unexpected when she made her request. In addition, the appellant has not provided any information from her physician that her need for surgery, and thus her need for post-surgery bed rest, is unexpected, or of sudden onset.

Considering the above, the panel finds that the ministry was reasonable in determining that the information provided did not establish that the appellant requires the requested supplement for an item unexpectedly needed or to meet an unexpected expense.

No resources available

In her Notice of Appeal, the appellant states that she suffered the month she bought the bed to replace the air mattress, as it was a 5-week month and she was only allowed a \$20 emergency grant; buying the bed meant that she had to go into her food money. Her argument is that this shows that she had inadequate resources to meet her need for a bed.

The position of the ministry, as described in the reconsideration decision, is that the appellant advised the ministry that she used her support funds to purchase a bed for \$150, and that she was hoping for help with being reimbursed that amount or even half of it. The ministry explained that the support allowance she receives is intended to be used to purchase day-to-day items such as furniture and, depending on the costs, may be budgeted for on a gradual basis. Since she was able to purchase a bed with her support funds and without assistance, the ministry is satisfied that she had the resources available to her to purchase the item on her own.

The panel notes that the applicant bought a bed sometime between when she made her original request for funding the purchase of a bed on 14 May 2018 and the date of the reconsideration decision, 18 June 2018. The reconsideration decision is considered a "new" decision, and as such is based on information provided with the original request and any further information submitted with the Request for Reconsideration. Because the appellant had advised the ministry that she had obtained a bed when she requested a reconsideration decision, and without any information that she had incurred significant debt in doing so, the panel finds that the ministry was reasonable in determining that she had resources available to purchase a bed.

Imminent danger to physical health

The appellant argues that she needed a bed to replace her air mattress as she will require extensive bed rest following upcoming surgeries and to have a good night's sleep upon her planned return to school in September. As the ministry pointed out in the reconsideration decision, she has now purchased a bed on her own and states that she is now feeling better.

Following the same line of reasoning as under *No resources available* above, the panel finds that, because the appellant has now managed to obtain a bed on her own, the ministry was reasonable in finding that it is not satisfied that the failure to provide the funds to purchase a bed would result in imminent danger to the appellant's physical health.

Conclusion

Based on the foregoing discussion, the panel finds that the ministry decision denying the appellant's request for a crisis supplement for a bed was reasonably supported by the evidence. The panel therefore confirms the ministry's decision. The appellant's appeal is thus not successful.

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

Richard Roberts

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2018 August

PRINT NAME

Jim Jones

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018 August

PRINT NAME

Donald Stedeford

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018 August