

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the ministry) reconsideration decision dated October 19, 2018, which denied the appellant's request for a crisis supplement for clothing. The ministry found that the clothing was not an unexpected expense and that the appellant had not demonstrated that she was unable to meet the expense because there were no resources available to her as required by section 59(1)(a) of the *Employment and Assistance Regulation* (EAR).

The ministry was also not satisfied that failure to obtain the crisis supplement would result in imminent danger to the appellant's physical health as required by section 59(1)(b)(i) of the EAR.

PART D – RELEVANT LEGISLATION

Employment and Assistance Act (EAA) section 4
EAR section 59

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PART E – SUMMARY OF FACTS

The information before the ministry at the time of reconsideration indicates the following:

- Request for Crisis Supplement – Clothing dated October 7, 2018 in which the appellant says that she has no good clothing including underwear and pants. The appellant says that she has tried to meet this need on her own and has no other resources. The appellant says that she has asked family and friends for help but has not received any help and that is all she can do. The appellant also says that with no clothes she cannot go out at all to get anything like food.
- Request for Reconsideration (RFR) form received by the ministry on October 12, 2018 in which the appellant says that she has no good clothes to wear out of the house. The appellant says that it is getting cold again and after her rent and food she does not have enough money to purchase clothes.

Additional Information

In her Notice of Appeal dated October 19, 2018 (NOA) the appellant says that she was not expecting to have to buy clothes with the money provided and was not expecting her clothes to wear out so soon and have holes in them. The appellant says that she tries her best but it is not easy to live off \$110 a month. The appellant says there are times when she needs a little more help and this is one of them. The appellant says that the ministry advised that the “...*last criteria was met that’s it is a risk to my health and the only reason I am getting denied is cause I choose to buy food and last time the only reason I got denied was it wasn’t a full year so I implore you to reconsider*”.

At the hearing the appellant said that she applied for a crisis supplement for clothing in September and the ministry emailed her to advise that she had to wait one year before she could qualify for the supplement. The appellant said that the ministry told her that she met the criteria except for the time frame. The appellant said that she had to pay \$10 each way to go to and from her doctor’s office in September to get forms signed for her Persons with Persistent Multiple Barriers (PPMB) application and she was not expecting to have to make two trips or spend that much money on bus fare.

At the hearing, the ministry representative relied on the reconsideration decision. The ministry representative stated that the ministry record did not include any email to the appellant regarding her request for a crisis supplement and the ministry representative was not aware of the existence of the email.

Admissibility of New Information

The ministry did not object to the admissibility of the information in the NOA.

The panel has admitted the information in the NOA about when the appellant expected her clothes would wear out as that is information in support of information and records that were before the ministry at the time of reconsideration, in accordance with section 22(4) of the *Employment and Assistance Act*. In particular, the information relates to whether the request for clothing was an unexpected need.

The panel accepts the remainder of the information in the NOA as argument.

PART F – REASONS FOR PANEL DECISION

Issue on Appeal

The issue on this appeal is whether the ministry's reconsideration decision denying the appellant a crisis supplement for clothing was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

In particular, was the ministry reasonable in determining that clothing was not an unexpected expense and that the appellant had not demonstrated that there were no resources available to her to meet the need as required by section 59(1)(a) of the EAR or that failure to obtain the crisis supplement would result in imminent danger to the appellant's physical health as required by section 59(1)(b)(i) of the EAR.

The applicable legislation is as follows:

EAA

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.

EAR

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) 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

[redacted]

(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 income 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.

[am. B.C. Reg. 12/2003.]

[Redacted]

Panel Decision

The appellant's position is that she has no good clothing, has asked family and friends for help with no luck, and without clothes is unable to go out to get anything like food. The appellant also argues that it is very difficult for her to cover her monthly expenses and that's why she doesn't have enough money for the clothes she needs. The appellant also argues that in September she applied for a crisis supplement for clothing but was told she had to wait one year before she could qualify for the supplement. The ministry told her that she met the criteria except for the time frame.

The ministry's position, as set out in the reconsideration decision, is that in order to be eligible for a crisis supplement the appellant must meet all the criteria of section 59(1) of the EAR. The ministry notes that the purpose of crisis supplements is to address unexpected emergency needs to prevent imminent danger to physical health and is not intended to augment monthly assistance. Although the appellant stated that the ministry sent her an email advising that she needed to wait for one year before she could qualify for a crisis supplement but that she met the other criteria, the legislation clearly indicates that the appellant must meet all the criteria in section 59(1) of the EAR. In addition the appellant did not provide a copy of the email indicating that the ministry advised her that she met the legislative criteria.

The ministry's position is that wear and tear of clothing and the change of seasons requiring warmer clothing is not an unexpected expense. The ministry position is that while the appellant indicates she spent some of her monthly support allowance travelling to and from her doctor's office to complete medical forms, no information was provided which establishes that this was an unexpected expense preventing the appellant from purchasing the required clothing. In addition, the reconsideration decision states that there is no indication that the appellant has explored community resources available in her area that provide free or low-cost clothing. The ministry's position is that it is not satisfied that the appellant does not have any resources available to her to meet her need for clothing as required by section 59(1)(a) of the EAR.

The panel finds that the ministry's reconsideration decision, which found that wear and tear of clothing and the change of seasons requiring warmer clothing is not an unexpected expense, was reasonable. The panel also finds that the ministry's decision that it was not satisfied that the appellant did not have any resources available to her to meet her need for clothing was reasonable. While the panel accepts the appellant's evidence that it is difficult to live off her monthly assistance and that she asked family and friends for help to purchase clothing but did not receive any assistance, the appellant did not provide any information that she had explored community resources available in her area that provide free or low-cost clothing.

As section 59(1)(a) requires that the need for the item is unexpected or there is an unexpected expense and that the appellant is unable to meet the expense or obtain the item because there are no resources available to her, the panel finds that the ministry was reasonable in determining that section 59(1)(a) of the EAR was not met.

The ministry's position is that the appellant has not provided evidence to establish that failure to receive a crisis supplement for clothing will result in imminent danger to the appellant's physical health.

The appellant's position, as set out in the Request for Crisis Supplement – Clothing, is that without clothing she cannot go out at all to get anything like food, which presents a direct threat to her health and safety. However, the appellant has not provided any information, such as a note from a doctor, indicating that failure to meet the expense or obtain the item will result in imminent danger to her physical health.

The word "imminent" requires a sense of urgency or immediacy and while the information indicates that the appellant may need some new clothing the panel finds that the ministry reasonably determined that the information provided does not establish that failure to obtain the clothing will result in imminent danger to the appellant's physical health.

The panel finds that the ministry was reasonable in determining that the appellant had not demonstrated that failure

to obtain the item or meet the expense will result in imminent danger to physical health as required by EAR section 59(1)(b)(i).

Conclusion

The panel also acknowledges that it is difficult for the appellant to pay all of her monthly expenses based on the current income assistance amount she receives. However, having reviewed and considered all of the evidence and the relevant legislation, the panel finds that the ministry's reconsideration decision, which found that the appellant is not eligible for a crisis supplement for clothing was reasonably supported by the evidence and a reasonable application of the legislation in the circumstances of the appellant. The panel therefore confirms the ministry's decision. The appellant is not successful on appeal.

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PART G – ORDER	
THE PANEL DECISION IS: (Check one) <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> BY MAJORITY	
THE PANEL <input checked="" type="checkbox"/> CONFIRMS THE MINISTRY DECISION <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
LEGISLATIVE AUTHORITY FOR THE DECISION: <i>Employment and Assistance Act</i> Section 24(1)(a) <input checked="" type="checkbox"/> or Section 24(1)(b) <input checked="" type="checkbox"/> and Section 24(2)(a) <input checked="" type="checkbox"/> or Section 24(2)(b) <input type="checkbox"/>	

PART H – SIGNATURES	
PRINT NAME Helene Walford	
SIGNATURE OF CHAIR	DATE (YEAR/MONTH/DAY) 2018/11/10

PRINT NAME Connie Simonsen	
SIGNATURE OF MEMBER	DATE (YEAR/MONTH/DAY) 2018/11/10
PRINT NAME Katherine Wellburn	
SIGNATURE OF MEMBER	DATE (YEAR/MONTH/DAY) 2018/11/10