

PART C – Decision under Appeal

The decision under appeal is the ministry's reconsideration decision dated November 30, 2012, which denied the appellant's request for a crisis supplement to purchase clothing. The ministry stated that although the appellant had no resources available to purchase new clothing, there is no evidence that an unexpected or unforeseen event resulted in the appellant's need for more clothing; also, that there was not sufficient information to establish that failure to meet the expense would result in imminent danger to the appellant's physical health. The ministry determined that the appellant's situation did not meet the eligibility criteria for a crisis supplement under Section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation.

PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Regulation – Section 57

PART E – Summary of Facts

In the appeal record as part of the evidence were copies of the following documents:

- 1) The appellant's request for an extension to provide her reasons for the Request for Reconsideration, dated Oct. 26/2012, due to difficulties contacting an advocate, and because she had to deal with some health issues.
- 2) Request for Reconsideration dated November 01/12 with a statement she provided in which she reported that she was able to get an advocate and had an appointment booked with this professional for Nov. 07/2012 and, therefore, needed an extension for 10 more days to present her reasons to request a reconsideration of the ministry's decision.
- 3) A letter to Whom it May Concern dated Nov. 14/2012, signed by the appellant and accepted by the ministry as part of the Request for Reconsideration package, in which she stated that a washing machine at a laundromat had ripped her only pair of pants and her only bra; that her shoes had holes in the soles; that she had no resources to purchase new clothing because she had used her money (including GST refund) to buy food and new furniture, since she was moving to another place; she also had to pay for the moving truck; as a result she was unable to save money for clothing.

The appellant submitted that she accessed two of the few resources available in the community for clothing, but she finds it very difficult to get clothes that fit her because she is tall; that she was volunteering at a food bank in order to receive food vouchers and for this reason she was unable to look for clothes in other locations.

The appellant added that the money she receives from welfare is not enough to pay for food, clothing, transportation and the new furniture she needs for the home she is moving to; that she never went to the ministry's office and said that she had money or that she didn't need anything "but just want extra to go shopping"; that she went to three other places for free clothing and got some shirts and a pair of shoes (although with holes), but no pants or bra; that she is unable to wash her clothes as needed because she has no replacements for these pieces. She requires the ministry to give her a crisis supplement for clothing to buy one pair of pants, one bra and a pair of proper runners, at a total cost of \$95 plus taxes.

The appellant restated that what happened with her clothes – damaged by the washing machine – was unexpected; that she has other expenses such as public transportation so she can volunteer at the food bank to get food vouchers. Finally, that she has health problems to deal with.

- 4) A monthly budget for the appellant's expenses indicating that she does not have extra funds available for clothing.

- 5) The appellant's Notice of Appeal in which she stated that it seemed that the ministry had not read her reasons on the Request for Consideration package; that it is her mental health rather than her physical health that is threatened; that she is suffering from mental distress because of what happened to her clothes; that the holes in her shoes make her feet wet and can damage her health. The appellant added that half of the amount she received from the GST was spent on bus tickets and the other half for food.

At the hearing, the appellant presented an oral submission that covered the following points:

- She never said to the worker at the ministry office what was mentioned in the original decision; that the amount she received from the GST was just \$162 and that she used this money to buy food, bus tickets and furniture for her new place.
- She did not have any money when she spoke with the worker.
- That the damage to her clothing by the washing machine at the laundromat was an unexpected event and she had mentioned it on her reasons for the Request for Reconsideration.
- She has gone to six places in the community looking for free clothing, but still couldn't find pants and a bra that fit her.
- She did get a pair of runners, although the top on them is made of fabric and they get wet if it rains.
- Not having clothes seldom gives people health problems, but she thinks she will get sick because of the holes in her shoes that make her feet wet.
- All her expenses amount to more than the sum she receives from welfare and she has no way of saving money to buy clothing.

In its submission, the ministry restated the position as it is set out in the reconsideration decision, reaffirming that the appellant's request for a crisis supplement for clothing did not meet all of the legislative criteria; that the ministry decision followed the legislation on that matter and as such the appellant was found not eligible for the requested crisis supplement.

PART F – Reasons for Panel Decision

The issue on appeal is whether or not the ministry reasonably concluded that the appellant is not eligible under the prescribed legislation to receive a crisis supplement to purchase new clothing. The ministry argues that the appellant's situation did not meet the eligibility criteria for a crisis supplement pursuant to Section 57(1) of the Employment and Assistance for Persons With Disability Regulation.

Employment and Assistance for Persons with Disabilities Regulation, Section 57, sets out:

- (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 C, as Applicable, for a family unit that matches the family unit, and each person in the family unit.
 - (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 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)

The Ministry's position is that the appellant's request for a crisis supplement does not meet the eligibility criteria since the need for clothing cannot be considered as an unexpected expense; in addition, there is no indication that failure to obtain new clothes will result in imminent danger to the appellant's health; the ministry, however, acknowledged that the appellant had no resources available to buy clothing.

The appellant argues that a washing machine at a laundromat had ripped the only pants and bra she had that fit her properly; that this was an unexpected event; that her only pair of shoes has holes in the soles; that she has other expenses to cover, such as food, public transportation, and extra expenses to move to a new residence and for this reason she has no resources to purchase replacement clothing and shoes; that she tried without success to find these items through the community resources available to her; that she has had problems with her lower back since October/2012. The appellant requests a crisis supplement to buy a pair of pants, a bra and a pair of new runners.

Section 57(1)(a) of the EAPWDR prescribes that for a family unit to be eligible for a crisis supplement, it is necessary that this supplement is needed due to an unexpected expense or to obtain an item unexpectedly needed, and that the family unit is unable to meet the expense to obtain the item because there are no resources available.

The ministry has acknowledged that the appellant has no resources to purchase the cited clothing. Consequently, it is necessary to analyse only whether the crisis supplement the appellant requested was to meet an unexpected expense or obtain an item that was unexpectedly needed.

The appellant, in her reasons for the requested reconsideration, explained to the ministry that the only pants and bra that fit her well had been ripped by the washing machine at the laundromat. The panel finds that the incident with the clothes at the laundromat was unexpected and that the appellant could not foresee this event; also that this fact was brought to the ministry's attention in the appellant's Request for Reconsideration. The panel finds that the evidence demonstrates that the appellant's need for a pair of pants and a bra met the legislative criteria prescribed in Section 57(1)(a), first part, and consequently, concludes that the ministry was not reasonable when it found that the appellant's request for a crisis supplement to buy pants and a bra had not met this specific criteria.

With reference to the appellant's need for a new pair of shoes, the evidence demonstrated that the holes on the shoes' soles were not the result of the laundromat incident, like the other two pieces of clothing, but because of their constant use. The appellant disclosed to the ministry and to the panel that the shoes were worn out because she had had them for more than two years. Therefore, the panel finds that the need of a new pair of shoes cannot be understood as an unexpected need and finds that the ministry reasonably determined that the appellant has not met the legislative criteria to receive a crisis supplement to buy a pair of shoes.

Section 57(1)(b)(i) prescribes that for a family unit to be eligible for a crisis supplement, it must be shown that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit. The appellant claimed to have some health issues –

back pain – and that she could become ill because her old shoes made her feet constantly wet. The appellant also reported that she had mental distress due to the inability to obtain properly-fitting clothes; however, the pertinent legislation refers only to imminent danger to physical health.

At the hearing the appellant informed the panel that she had obtained a new pair of runners and consequently the panel finds that the issue of an imminent danger to her physical health because of the lack of new shoes has been resolved. The panel further finds that the appellant did not demonstrate that she would suffer an imminent threat to her physical health as a result of not being able to obtain funds to pay for a new pair of pants and a bra. Consequently, the panel finds that the ministry reasonably determined that there was not sufficient information to establish that failure to meet the expenses would result in imminent danger to the appellant's physical health.

Therefore, the panel finds that the ministry's decision to deny the appellant's request for a crisis supplement to purchase clothing and a pair of shoes was a reasonable application of the applicable enactment in the circumstances of the Appellant and, therefore, confirms the decision of the Ministry under Section 24 (2)(a) of the EAA.