

[Redacted]

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision dated December 12, 2018 which held that the appellant was not permitted a crisis supplement for clothing by reason that the appellant did not meet the legislated criteria in s.57 Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”). Specifically, the Ministry determined that although the appellant did not have the resources available to her to obtain the items, the expense was not unexpected and a failure to obtain the items would not result in imminent danger to the physical health of the appellant.

PART D – RELEVANT LEGISLATION

s. 57 Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”)

PART E – SUMMARY OF FACTS

The evidence before the Ministry at reconsideration was:

- On December 5, 2018 the appellant requested a crisis supplement for clothing.
- The appellant indicated that nothing had changed since her last request in November, 2018.
- The appellant stated she remains in need winter clothing. She purchased some clothing but still requires a coat.
- The appellant states that she was told that she would be eligible for a crisis supplement for clothing on December 1, 2018.
- The appellant stated that she washed all her winter clothing at the laundry mat and the washer broke down. The owners of the laundry mat told her to return in 2 days. The appellant came back in 4 days and the laundry mat owners had already given her clothes away.
- The appellant states that she is buying a jacket from a homeless man for \$60 and that she still needs pants, gloves, and sweaters.
- The appellant states that she has checked a variety of free and low-cost clothing resources but has had no success.

The appellant's notice of appeal states:

- "I have nothing to keep me warm I had to borrow from people, and I was promised from a worker after December 1 that she could give me my money but they just say no now."

At the hearing, the appellant did not bring the appeal record with her. The appellant stated that she did not require the appeal record to state her reasons. The appellant relied on her statements in her request for reconsideration and her notice of appeal. The appellant stated that she still needs to pay off the \$60.00 coat that she has and she still needs other winter clothes since her winter clothes were stolen from the laundry mat.

The Ministry relied on their reconsideration decision but also referred to the original decision and the reasons from the original decision.

There was no additional oral and documentary evidence for the panel to consider.

PART F – REASONS FOR PANEL DECISION

The issue on appeal:

The issue on appeal is whether the Ministry's decision to deny the appellant a crisis supplement for clothing by reason that the appellant did not meet the legislated criteria in s.57 EAPWDR is reasonably supported by the evidence or a reasonable application of the applicable legislation in the circumstances of the appellant. Specifically, was it reasonable for the Ministry to determine that although the appellant did not have the resources available to obtain the items, the expense was not unexpected to the appellant and a failure to obtain the item would not result in imminent danger to the physical health of the appellant?

The legislation provides:

Crisis supplement EAPWDR

- 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 \$40 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;
 - (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) Repealed. [B.C. Reg. 248/2018]
- (6) Repealed. [B.C. Reg. 248/2018]
- (7) Despite subsection (4) (b), 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.

The panel finds:

The panel must only assess the reasonableness of the Ministry decision dated December 12, 2018. The original decision and the reasons from that decision are not relevant to this appeal. The Ministry representative made arguments from the original Ministry decision that were not actually addressed or referred to in the Ministry Reconsideration decision. The only decision that is before the panel is the reconsideration decision dated

December 12, 2018.

The Ministry found that the appellant does not have the resources available to obtain a winter coat as the appellant explored her community resources with no success. The panel determines that this finding is reasonable based on the evidence of the numerous community resources the appellant attempted to access.

In order to meet the remaining legislative criteria in s.57 EAPWDR, the appellant must also show that the need for the item is not unexpected and that a failure to obtain the item will cause imminent danger to her physical health.

The appellant's evidence is that she attended at a laundry mat to wash her winter clothing, and unexpectedly the washing machines broke. She was told to return the following day or two days later to retrieve her clothing, but she failed to do that. She instead waited four days to retrieve her clothing. By the time she attended at the laundry mat her clothing had been taken by another person. The Ministry determined that this was not unexpected since the appellant chose to wait 4 days to return to the laundromat instead of the 2 days she was supposed to wait. The panel finds that having the washing machine you are using suddenly break down is an unexpected event to occur at a laundry mat. The panel finds that waiting a few extra days to retrieve her clothing was not unreasonable, and it was still unexpected that when the appellant arrived at the laundry mat her clothing was gone. The panel finds that it was unreasonable for the Ministry to determine that theft of the appellant's clothing was not an unexpected occurrence.

The Ministry determined that there is no indication or evidence that a failure to receive the crisis supplement for clothing would result in imminent danger to the appellant's physical health. The panel agrees that there was no information that demonstrated that the appellant would be in imminent danger to her physical health and agrees that it was reasonable for the Ministry to determine that the appellant was not successful on this ground.

For these reasons, the panel finds the ministry's decision was reasonably supported by the evidence and reasonable application of the applicable enactment in the circumstances of the appellant and confirms the Ministry's decision.

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 MEGHAN WALLACE (by telephone)	
SIGNATURE OF CHAIR	DATE (YEAR/MONTH/DAY) February 1, 2019

PRINT NAME SARAH BIJL	
SIGNATURE OF MEMBER	DATE (YEAR/MONTH/DAY) February 1, 2019

PRINT NAME WAYNE REEVES	
SIGNATURE OF MEMBER	DATE (YEAR/MONTH/DAY) February 1, 2019