



PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision of January 29, 2019 (the “Reconsideration Decision”) which denied the appellant a crisis supplement to purchase clothing because the appellant had not satisfied the Ministry that failure to obtain the item or meet the expense will result in imminent danger to physical health as required under s. 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”) and because the appellant had received \$100 as a crisis supplement for clothing within 12 months of the appellant’s application for a crisis supplement, thereby resulting in the Minister not being permitted to issue further funds as a crisis supplement for clothing, in accordance with section 57 (4)(c) (1) of the EAPWDR.

PART D – RELEVANT LEGISLATION

Section 57 (1) of the EAPWDR
Section 57 (4)(c)(i) of the EAPWDR



PART E – SUMMARY OF FACTS

In the appellant’s notice of appeal dated February 8, 2019 she indicated that she would like her appeal to be held “oral by telephone”.

Delivery of the notice of hearing to the appellant was confirmed by the panel chair when the appeal came on for an oral hearing by telephone on March 1, 2019.

Neither the appellant nor a Ministry representative attended the oral hearing by telephone. Accordingly, the hearing proceeded in accordance with section 86 (b) of the Employment and Assistance Regulation.

The appellant is a sole recipient of disability assistance.

The information before the Ministry at the time of the reconsideration included the following:

- records indicating that on June 1, 2018 the appellant received \$100 as a crisis supplement to purchase clothing;
- records indicating that on January 2, 2019 the appellant requested help to purchase clothing. The appellant advised that she had to move suddenly in December to flee an abusive relationship and was unable to take most of her belongings with her. The Ministry denied the request because the appellant had already received \$100 for crisis clothing which is the yearly maximum for clothing.

In the appellant’s request for consideration the appellant noted the following:

- she was fleeing an abusive relationship;
- she had to leave her belongings behind;
- she was suffering from injuries;
- she already tried resources but had no luck;
- her mobility is very minimal;
- she did not find work and was now unable to work
- she also indicated “etc.”, but without further detail.

In the appellant’s notice of appeal the appellant states:

- still experiencing illness and injuries which also inhibit mobility;
- weather conditions mean a need for proper footwear and clothing
- have already tried accessing other resources with no luck
- medical requirements call for special footwear etc. that she could not afford.



PART F – REASONS FOR PANEL DECISION

The issue on appeal is whether the reconsideration decision, which denied the appellant's request for a crisis supplement because the appellant had not satisfied the Ministry that failure to obtain the item or meet the expense, will result in imminent danger to physical health as required under section 57 (1) of the EAPWDR and because the appellant had received \$100 as a crisis supplement for clothing within 12 months of the appellant's application for a crisis supplement, was reasonably supported by the evidence before the Ministry or was a reasonable application of the relevant statutory provisions in the appellant's circumstances.

Statutory framework

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 .

(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) and (6) Repealed. [B.C. Reg. 248/2018, App. 2, s. 2.]

(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.

[am. B.C. Regs. 13/2003; 248/2018, App. 2.]

Panel decision

As set out in section 57 (1) (b) (i) of the EAPWDR the Minister may provide a crisis supplement if the Minister considers that failure to meet the expense or obtain the item will result in imminent danger to the physical health of the applicant.

Other criteria which are required to be met under the section, that the need for an item is unexpected or there is an unexpected expense, and that the applicant has no resources available, were found by the Ministry to have been met.

Accordingly, the only decision for consideration by the panel is the decision that the failure to meet the expense or obtain the item will not result in imminent danger to the physical health of the applicant, and that the minister was not permitted to issue further funds as a crisis supplement for clothing as the appellant was within 12 months of her previous application for and receipt of a crisis supplement.

The limitation for providing a crisis supplement pursuant to s. 57 (4) (c) is a threshold issue. A crisis supplement, if for clothing, must not exceed \$100 in the calendar month period preceding the date of application for the crisis supplement.

In this case, there is no evidence to contradict the Ministry determination that a previous crisis supplement was provided. To the contrary, the evidence is that a crisis supplement was provided on June 1, 2018. In those circumstances the Minister is not permitted to issue further funds as a crisis supplement for clothing. This is determinative of the appellant's appeal.



Further information was provided by the appellant in her notice of appeal; in particular that she was still experiencing illness and injuries which also inhibit her mobility and that weather conditions mean a need for proper footwear and clothing.

However, no further particulars were provided and the panel is unable to conclude that the appellant has established that failure to meet the expense or obtain the item will result in imminent danger to the physical health of the appellant.

In the result, the panel finds that the Ministry's determination that the appellant did not meet the criteria set out in section 57 of the EAPWDR was reasonably supported by the evidence and a reasonable application of the EAPWDR in the appellant's circumstances.

The appellant is not successful in the appeal.

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 Perry Mazzone	
SIGNATURE OF CHAIR	DATE (YEAR/MONTH/DAY) 2019/03/

PRINT NAME Barbara Insley	
SIGNATURE OF MEMBER	DATE (YEAR/MONTH/DAY) 2019/03/
PRINT NAME Stephanie Korour	
SIGNATURE OF MEMBER	DATE (YEAR/MONTH/DAY) 2019/03/08