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**PART C – DECISION UNDER APPEAL**

The decision under appeal is the reconsideration decision dated February 26, 2019, made by the Ministry of Social Development and Poverty Reduction (the ministry), which determined that the appellant was not eligible to receive a crisis supplement for food as he did not meet all the requirements of section 57 of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR).

**PART D – RELEVANT LEGISLATION**

The relevant legislation is section 57 of the EAPWDR.

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## **PART E – SUMMARY OF FACTS**

The appellant is in receipt of assistance as a person with disabilities. He is HIV positive and actively managing the symptoms of this condition. On February 8<sup>th</sup> he requested a crisis supplement for food on the basis that he required a root canal and had to use his shelter and support funds to pay for it. He stated that his medication is required to be taken with food and that he could not eat food from the food bank because it is “toxic”.

At reconsideration, the ministry denied his request on the basis that:

1. He had already received the legislated monthly maximum of \$40 crisis supplement for food on February 1<sup>st</sup>, and
2. He had other resources available to him in the form of food from the food bank, which is not toxic.

In his Notice of Appeal the appellant wrote:

I have a legitimate crisis: if I take my HIV medication without food, it becomes ineffective, exposing me to AIDS and death, and the food crisis request wasn't granted in December 2018, and I had to pay for additional prescription medicine out-of-pocket (Ministry wouldn't pay) ...

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[Redacted]

**PART F – REASONS FOR PANEL DECISION**

The issue under appeal is the reasonableness of the ministry's reconsideration decision dated February 26, 2019, which determined that the appellant was not eligible to receive a crisis supplement for food because he had already received the monthly maximum amount and had other resources available to him in the form of food from the food bank.

The relevant legislation is section 57 of 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*.

(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.

The appellant did not attend the hearing. The panel being satisfied that the appellant received sufficient notice of the hearing proceeded with the hearing without the appellant in accordance with section 86(b) of the *Employment and Assistance Regulation*.

At the hearing the ministry reiterated the reasoning in its reconsideration decision.

Section 57(4)(a) of the EAPWDR states that the maximum monthly amount the ministry may provide to a recipient for a crisis supplement for food is \$40. The appellant received a \$40 crisis supplement for food on February 1<sup>st</sup> 2019 and is therefore not eligible to receive any more money for a crisis supplement for food in February.

It is unclear why the appellant considers that food from the food bank is "toxic". As there is no evidence that this

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is the case, the ministry's determination that this resource was available to the appellant was reasonable.

Accordingly, the panel finds that the Ministry's decision to deny the appellant a crisis supplement for food was a reasonable application of the relevant legislation and confirms the Ministry's reconsideration decision.

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**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

Marcus Hadley

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2019/03/20

PRINT NAME

Marnee Pearce

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/03/20

PRINT NAME

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)