

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated March 15, 2019, which determined that the appellant was not eligible for a crisis supplement for shelter for the month of March 2019 as all the required criteria set out in section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) were not met.

The ministry determined that the appellant was not eligible for disability assistance for March 2019, as she received \$1340 (medical Employment Insurance benefits) in January 2019, which was deducted from her March disability assistance (\$1137.42 – maximum rate). Under section 29 of the EAPWDR, money received in one month, is declared by the 5th of the following month and is deducted in the 3rd month. The ministry determined that as the appellant was not eligible for disability assistance, she was therefore not eligible for a crisis supplement, according to section 57 (1) of the EAPWDR.

As well, the ministry was not satisfied that the appellant's need for March shelter was unexpected or that an unexpected expense prevented her from paying rent, pursuant to section 57 (1) (a) of the EAPWDR.

The ministry was satisfied that there were no resources available, as required under section 57 (1) (a) of the EAPWDR and that failure to meet the expense will result in imminent danger to physical health, a requirement under (57 (1) (b) (i) of the EAPWDR.

PART D – RELEVANT LEGISLATION

Employment and Assistance for Persons with Disabilities Act (EAPWDA) section 5

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) sections 1, 24, 29, 57 and schedules A and B

PART E – SUMMARY OF FACTS

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under section 86 (b) of the Employment and Assistance Regulation.

The ministry was not in attendance at the hearing. After confirming that the ministry was notified, the hearing proceeded under section 86 (b) of the Employment and Assistance Regulation.

Relevant Evidence Before the Minister at Reconsideration

Ministry records

Reconsideration Decision (March 15, 2019)

- The appellant receives disability assistance as a sole recipient.
- The appellant's rate of disability assistance is \$1137.42.
- The appellant reported that she received medical Employment Insurance (EI) benefits in the amount of \$1340 in January 2019, which was deducted from her March 2019 assistance.

Request for Reconsideration (March 8, 2019)

- Information provided by the appellant's legal advocate

Appellant's Monthly Budget totalling \$1,466.

Monthly Medical EI - \$1,390.

Without the ability to supplement her income, the appellant's medical EI income has been insufficient to maintain her basic monthly costs.

Request for Crisis Supplement – Shelter (March 4, 2019).

Bank Account Activity -February 1 to March 2, 2019.

Additional Evidence

Notice of Appeal (March 28, 2019)

The appellant stated, in her Notice of Appeal, "I have PWD or EI would not be deducted. I was expecting an income tax return of at least 3,000 (actually 3800) & I got \$135 because not enough tax was taken off."

Admissibility of Additional Evidence

The panel determined that the information in the Notice of Appeal was admissible under section 22 (4) of the *Employment and Assistance Act* as it was in support of the records before the ministry at reconsideration.

PART F – REASONS FOR PANEL DECISION

The issue under appeal is whether the ministry decision, dated March 15, 2019, which determined that the appellant was not eligible for a crisis supplement for shelter for the month of March 2019, as all the required criteria set out in section 57 (1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) were not met, was reasonably supported by the evidence or was a reasonable application of the legislation in the appellant's circumstances.

The ministry determined that the appellant was not eligible for disability assistance for March 2019, as she received \$1340 (medical Employment Insurance benefits) in January 2019, which was deducted from her March disability assistance (\$1137.42 – maximum rate). Under section 29 of the EAPWDR, money received in one month, is declared by the 5th of the following month and is deducted in the 3rd month. The ministry determined that as the appellant was not eligible for disability assistance, she was therefore not eligible for a crisis supplement, according to section 57 (1) of the EAPWDR.

As well, the ministry was not satisfied that the appellant's need for March shelter was unexpected or that an unexpected expense prevented her from paying rent, pursuant to section 57 (1) (a) of the EAPWDR.

The ministry was satisfied that there are no resources available, as required under section 57 (1) (a) of the EAPWDR and that failure to meet the expense will result in imminent danger to physical health, a requirement under (57 (1) (b) (i) of the EAPWDR.

Employment and Assistance for Persons with Disabilities Act

Part 2 — Assistance

Disability assistance and supplements

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance for Persons with Disabilities Regulation

Part 1 — Interpretation

Definitions

1 (1) In this regulation:

...

"**unearned income**" means any income that is not earned income, and includes, without limitation, money or value received from any of the following:

...

(g) employment insurance;

...

Amount of disability assistance

24 Disability assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than

- (a) the amount determined under Schedule A, minus
- (b) the family unit's net income determined under Schedule B.

Reporting requirement

29. For the purposes of section 11 (1) (a) [reporting obligations] of the Act,

(a) the report must be submitted by the 5th day of the calendar month following the calendar month in which one or more of the following occur:

- (i) a change that is listed in paragraph (b) (i) to (v);
- (ii) a family unit receives earned income as set out in paragraph (b) (vi);
- (iii) a family unit receives unearned income that is compensation paid under section 29 or 30 of the Workers Compensation Act as set out in paragraph (b) (vii), and,

(b) the information required is all of the following, as requested in the monthly report form prescribed under the Forms Regulation, B.C. Reg. 87/2018:

- (i) change in the family unit's assets;
- (ii) change in income received by the family unit and the source of that income;
- (iii) change in the employment and educational circumstances of recipients in the family unit;
- (iv) change in family unit membership or the marital status of a recipient;
- (v) any warrants as described in section 14.2 (1) of the Act;
- (vi) the amount of earned income received by the family unit in the calendar month and the source of that income;
- (vii) the amount of unearned income that is compensation paid under sections 29 or 30 of the Workers Compensation Act received by the family unit in the calendar month.

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

...

Schedule A

Disability Assistance Rates

(section 24 (a))

Maximum amount of disability assistance before deduction of net income

1 (1) Subject to this section and sections 3 and 6 to 9 of this Schedule, the amount of disability assistance referred to in section 24 (a) [amount of disability assistance] of this regulation is the sum of

- (a) the monthly support allowance under section 2 of this Schedule for a family unit matching the family unit of the applicant or recipient, plus
- (b) the shelter allowance calculated under sections 4 and 5 of this Schedule.

...

Monthly support allowance

...

(1) A monthly support allowance for the purpose of section 1 (a) is the sum of

- (a) the amount set out in Column 3 of the following table for a family unit described in Column 1 of an applicant or a recipient described in Column 2...

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount (\$)
1	Sole applicant / recipient and no dependent children	Applicant / recipient is a person with disabilities	808.42

Monthly shelter allowance

...

(2) The monthly shelter allowance for a family unit to which section 14.2 of the Act does not apply is the smaller of

(a) the family unit's actual shelter costs, and

(b) the maximum set out in the following table for the applicable family size:

Item	Column 1 Family Unit Size	Column 2 Maximum Monthly Shelter
1	1 person	\$375

Schedule B

Net Income Calculation

(section 24 (b))

Deduction and exemption rules

1 When calculating the net income of a family unit for the purposes of section 24 (b) [*amount of disability assistance*] of this regulation,

(a) the following are exempt from income:

(i) any income earned by a dependent child attending school on a full-time basis;

(ii) Repealed. [B.C. Reg. 96/2017, App. 2, s. 2 (a).]

(iii) Repealed. [B.C. Reg. 48/2010, Sch. 1, s. 2 (c).]

(iv) a family bonus, except the portion treated as unearned income under section 10 (1) of this Schedule;

(iv.1) the Canada child benefit, except the portion treated as unearned income under section 10 (1) of this Schedule;

(v) the basic child tax benefit;

(vi) a goods and services tax credit under the *Income Tax Act* (Canada);

(vii) a tax credit under section 8 [*refundable sales tax credit*], 8.1 [*climate action tax credit*] or 8.2 [*BC harmonized sales tax credit*] of the *Income Tax Act* (British Columbia);

(viii) individual redress payments granted by the government of Canada to a person of Japanese ancestry;

(ix) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to a person infected by the human immunodeficiency virus;

(x) individual payments granted by the government of British Columbia to a person infected by the human immunodeficiency virus or to the surviving spouse or dependent children of that person;

(xi) individual payments granted by the government of Canada under the Extraordinary Assistance Plan to thalidomide victims;

- (xii) money that is
- (A) paid or payable to a person if the money is awarded to the person by an adjudicative panel in respect of claims of abuse at Jericho Hill School for the Deaf and drawn from a lump sum settlement paid by the government of British Columbia, or
- (B) paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. C980463, Vancouver Registry;
- (xiii) the BC earned income benefit;
- (xiv) money paid or payable under the 1986-1990 Hepatitis C Settlement Agreement made June 15, 1999, except money paid or payable under section 4.02 or 6.01 of Schedule A or of Schedule B of that agreement;
- (xv) a rent subsidy provided by the provincial government, or by a council, board, society or governmental agency that administers rent subsidies from the provincial government;
- (xvi) Repealed. [B.C. Reg. 197/2012, Sch. 2, s. 11 (a).]
- (xvii) money paid or payable to a person in settlement of a claim of abuse at an Indian residential school, except money paid or payable as income replacement in the settlement;
- (xviii) post adoption assistance payments provided under section 28 (1) or 30.1 of the Adoption Regulation, B.C. Reg. 291/96;
- (xix) a rebate of energy or fuel tax provided by the government of Canada, the government of British Columbia, or an agency of either government;
- (xx) money paid by the government of British Columbia, under a written agreement, to a person with disabilities or to a trustee for the benefit of a person with disabilities to enable the person with disabilities to live in the community instead of in an institution;
- (xxi) Repealed. [B.C. Reg. 85/2012, Sch. 2, s. 7.]
- (xxii) payments granted by the government of British Columbia under section 8 [*agreement with child's kin and others*] of the *Child, Family and Community Service Act*;
- (xxiii) payments granted by the government of British Columbia under the Ministry of Children and Family Development's At Home Program;
- (xxiv) Repealed. [B.C. Reg. 85/2012, Sch. 2, s. 7.]
- (xxv) payments granted by the government of British Columbia under an agreement referred to in section 93 (1) (g) (ii) of the *Child, Family and Community Service Act*, for contributions to the support of a child;
- (xxvi) a loan that is
- (A) not greater than the amount contemplated by the recipient's business plan, accepted by the minister under section 70.1 of this regulation, and
- (B) received and used for the purposes set out in the business plan;
- (xxvii) payments granted by the government of British Columbia under the Ministry of Children and Family Development's

(A) Autism Funding: Under Age 6 Program, or

(B) Autism Funding: Ages 6 — 18 Program;

(xxviii) Repealed. [B.C. Reg. 148/2015, App. 2, s. 1 (a).]

(xxix) payments made by a health authority or a contractor of a health authority to a recipient, who is a "person with a mental disorder" as defined in section 1 of the *Mental Health Act*, for the purpose of supporting the recipient in participating in a volunteer program or in a mental health or addictions rehabilitation program;

(xxx) a refund provided under Plan I as established under the Drug Plans Regulation;

(xxxi) payments provided by Community Living BC to assist with travel expenses for a recipient in the family unit to attend a self-help skills program, or a supported work placement program, approved by Community Living BC;

(xxxii) a Universal Child Care Benefit provided under the *Universal Child Care Benefit Act* (Canada);

(xxxiii) money paid by the government of Canada, under a settlement agreement, to persons who contracted Hepatitis C by receiving blood or blood products in Canada prior to 1986 or after July 1, 1990, except money paid under that agreement as income replacement;

(xxxiv) money withdrawn from a registered disability savings plan;

(xxxv) a working income tax benefit provided under the *Income Tax Act* (Canada);

(xxxvi) Repealed. [B.C. Reg. 180/2010, s. 2 (b).]

(xxxvii) the climate action dividend under section 13.02 of the *Income Tax Act*;

(xxxviii) money paid or payable to a person under the *Criminal Injury Compensation Act* as compensation for non-pecuniary loss or damage for pain, suffering mental or emotional trauma, humiliation or inconvenience that occurred when the person was under 19 years of age;

(xxxix) money that is paid or payable to or for a person if the payment is in accordance with the settlement agreement approved by the Supreme Court in Action No. S024338, Vancouver Registry;

(xl) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Family Support Services program;

(xli) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Supported Child Development program;

(xlii) payments granted by the government of British Columbia under the Ministry of Children and Family Development's Aboriginal Supported Child Development program;

(xliii) money paid or payable from a fund that is established by the government of British Columbia, the government of Canada and the City of Vancouver in relation to recommendation 3.2 of the final report of the Missing Women Commission of Inquiry;

(xliv) payments granted by the government of British Columbia under the Temporary Education Support for Parents program;

- (xiv) a BC early childhood tax benefit;
- (xlv) child support;
- (xlvii) orphan's benefits under the *Canada Pension Plan Act* (Canada);
- (xlviii) money or other value received, by will or as the result of intestacy, from the estate of a deceased person;
- (xlix) gifts;
- (l) education and training allowances, grants, bursaries or scholarships, other than student financial assistance;
- (li) money withdrawn from a registered education savings plan;
- (lii) compensation paid or payable under section 17 [*compensation in fatal cases*] or 18 [*addition to payments*] of the *Workers Compensation Act* to a dependant, as defined in section 1 of that Act, who is a child, as defined in section 17 of that Act;
- (liii) money that is paid or payable by or for Community Living BC to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by Community Living BC, an employee of Community Living BC or a person retained under a contract to perform services for Community Living BC;
- (liv) money that is paid or payable by the government of British Columbia to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by the minister, the ministry, an employee of the ministry or a person retained under a contract to perform services for the ministry;
- (liv.1) money that is paid or payable by the government of British Columbia to or for a person if the payment is in accordance with an award in a legal proceeding or with a settlement agreement in respect of a claim for injury, loss or damage caused by the Minister of Children and Family Development, that ministry, an employee of that ministry or a person retained under a contract to perform services for that ministry;
- (liv.2) money that is paid or payable by the government of British Columbia to or for a person because the person was a resident of Woodlands School;
- (lv) a disabled contributor's child's benefit paid or payable under the *Canada Pension Plan*;
- (lvi) payments granted under an agreement referred to in section 94 of the *Child, Family and Community Service Act*;
- (lvii) money that is paid or payable, in respect of a child, from property that comes into the control of, or is held by, the Public Guardian and Trustee;
- (lviii) money that is paid or payable from a settlement in respect of Treaty No. 8 agricultural benefits;
- (lix) money that is paid or payable from a settlement under
 - (A) the Cadboro Bay Litigation Settlement Agreement, dated for

reference November 1, 2017, between the Esquimalt Nation and Canada, or

(B) the settlement agreement, dated for reference October 30, 2017, between the Songhees Nation and Canada;

(ix) money that is paid or payable under the Memorial Grant Program for First Responders established under the authority of the *Department of Public Safety and Emergency Preparedness Act* (Canada),

(b) any amount garnished, attached, seized, deducted or set off from income is considered to be income, except the deductions permitted under sections 2 and 6,

(c) all earned income must be included, except the deductions permitted under section 2 and any earned income exempted under sections 3 and 4, and

(d) all unearned income must be included, except the deductions permitted under section 6 and any income exempted under sections 3, 7 and 8.

Exemptions — unearned income

7 (0.1) In this section:

"disability-related cost" means a disability-related cost referred to in paragraph (a), (b), (c) or (e) of the definition of disability-related cost in section 12 (1) [*assets held in trust for person with disabilities*] of this regulation;

"disability-related cost to promote independence" means a disability-related cost referred to in paragraph (d) of the definition of disability-related cost in section 12 (1) of this regulation;

"intended registered disability savings plan or trust", in relation to a person referred to in section 12.1 (2) [*temporary exemption of assets for person with disabilities or person receiving special care*] of this regulation, means an asset, received by the person, to which the exemption under that section applies;

"structured settlement annuity payment" means a payment referred to in subsection (2) (b) (iii) made under the annuity contract referred to in that subsection.

(1) The following unearned income is exempt:

(a) the portion of interest from a mortgage on, or agreement for sale of, the family unit's previous place of residence if the interest is required for the amount owing on the purchase or rental of the family unit's current place of residence;

(b) \$50 of each monthly Federal Department of Veterans Affairs benefits paid to any person in the family unit;

(c) a criminal injury compensation award or other award, except the amount that would cause the family unit's assets to exceed, at the time the award is received, the limit applicable under

section 10 [asset limits] of this regulation;

(d) a payment made from a trust to or on behalf of a person referred to in section 12 (1) [assets held in trust for person with disabilities] of this regulation if the payment is applied exclusively to or used exclusively for

- (i) disability-related costs,
- (ii) the acquisition of a family unit's place of residence,
- (iii) a registered education savings plan, or
- (iv) a registered disability savings plan;

(d.1) subject to subsection (2), a structured settlement annuity payment made to a person referred to in section 12 (1) of this regulation if the payment is applied exclusively to or used exclusively for an item referred to in subparagraph (i), (ii), (iii) or (iv) of paragraph (d) of this subsection;

(d.2) money expended by a person referred to in section 12.1 (2) [temporary exemption of assets for person with disabilities or person receiving special care] of this regulation from an intended registered disability savings plan or trust if the money is applied exclusively to or used exclusively for disability-related costs;

(d.3) any of the following if applied exclusively to or used exclusively for disability-related costs to promote independence:

- (i) a payment made from a trust to or on behalf of a person referred to in section 12 (1) of this regulation;
- (ii) a structured settlement annuity payment that, subject to subsection (2), is made to a person referred to in section 12 (1) of this regulation;
- (iii) money expended by a person referred to in section 12.1 (2) of this regulation from an intended registered disability savings plan or trust;

(e) the portion of Canada Pension Plan Benefits that is calculated by the formula $(A-B) \times C$, where

A = the gross monthly amount of Canada Pension Plan Benefits received by an applicant or recipient;

- B =
- (i) in respect of a family unit comprised of a sole applicant or a sole recipient with no dependent children, 1/12 of the amount determined under section 118 (1) (c) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act, or
 - (ii) in respect of any other family unit, the amount under subparagraph (i), plus 1/12 of the amount resulting from the calculation under section 118 (1) (a) (ii) of the *Income Tax Act* (Canada) as adjusted under

section 117.1 of that Act;

C = the sum of the percentages of taxable amounts set out under section 117 (2) (a) of the *Income Tax Act* (Canada) and section 4.1 (1) (a) of the *Income Tax Act*;

(f) a tax refund;

(g) a benefit paid under section 22, 23 or 23.2 of the *Employment Insurance Act* (Canada) to any person in the family unit.

(2) Subsection (1) (d.1) and (d.3) (ii) applies in respect of a person only if

(a) the person has entered into a settlement agreement with the defendant in relation to a claim for damages in respect of personal injury or death, and

(b) the settlement agreement requires the defendant to

(i) make periodic payments to the person for a fixed term or the life of the person,

(ii) purchase a single premium annuity contract that

(A) is not assignable, commutable or transferable, and

(B) is designed to produce payments equal to the amounts, and at the times, specified in the settlement agreement,

(iii) make an irrevocable direction to the issuer of the annuity contract to make all payments under that annuity contract directly to the person, and

(iv) remain liable to make the payments required by the settlement agreement.

Appellant Argument

Request for Reconsideration (March 8, 2019)

- Provided by the appellant's legal advocate

1. Meet an Unexpected Expense

- The appellant has lived at the address for about two and a half years and has managed her budget with her assistance income and employment earnings.
- She is dealing with two residency tenancy matters, pest infestation and repairs and maintenance.
- In July 2018 the appellant was dismissed without cause from her employer and has suffered increased stress and anxiety.
- As a result of the tenancy issues and employment complaints the appellant has qualified for medical EI.
- She is ineligible for assistance while collecting medical EI and she does not have the ability to work and receive medical EI at the same time.
- These factors have contributed to the monetary crunch the appellant is facing.
- The appellant's medical EI will end at the beginning of April 2019 and then she will once again be eligible for PWD (Persons with Disabilities) benefits, and will be able to pursue part-time employment.

2. Resources Available

- The appellant stated that she had the ability to borrow against her income tax coming back; however this option is not applicable at this time.

3. Failure to Obtain your Request will not Result in Imminent Danger

- The appellant is in danger of losing her housing if the rent is not paid.
- She is taking steps to secure financial assistance only after exhausting all other avenues for funding. Her disability includes challenges to her mental health; anxiety, depression and ADHD. "Loss of her housing will exacerbate negative effects to her mental health and put her life at risk."
- The appellant has stated, "I have experienced documented periods of depression and suicidal thoughts and know I am not capable of becoming homeless at this stage in my life..."

Assistance from the Ministry in the form of a Crisis Supplement for Rent will ensure the appellant remains housed, and give some relief to this situation.

A supplement for rent is not unreasonable at this time in light of the challenges the appellant has faced.

Ministry Argument

The ministry's position is that the appellant is not eligible for a crisis supplement for shelter for March 2019 as the EI medical benefits received in January 2019 (\$1340) exceeds her March assistance (\$1137.42) and as the appellant is not eligible for disability assistance for March 2019, she is not eligible to receive a crisis supplement for March 2019.

As well, the ministry's position is that the appellant did not meet all the criteria required for a crisis supplement in that the ministry was not satisfied that the need for March shelter was unexpected.

Panel Decision

The ministry argues that as the appellant's maximum rate of disability assistance is \$1137.42 and she received \$1340 in EI medical benefits in January 2019, she is not eligible for disability benefits for March 2019.

Section 1(1) (g) of the EAPWDR includes employment insurance as "unearned income". The \$1340 for EI medical benefits was considered unearned income.

Section 29 of the EAPWDR provides the reporting obligations.

Section 24 of the EAPWDR states that, "Disability Assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than

(a) the amount determined under Schedule A, minus

(b) the family unit's net income determined under Schedule B."

The amount determined under schedule A was \$1137.42 (disability assistance). The amount determined under schedule B was \$1340 (medical EI benefits).

Section 57 (1) of the EAPWDR states, "The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance..."

As the appellant's unearned income for the month of March exceeded her disability assistance, the ministry's position is that she was not eligible for disability assistance for March 2019 and therefore not eligible for a crisis supplement.

Section 57 (1) (a) of the EAPWDR states, "The minister may provide a crisis supplement to or

for a family unit that is eligible for disability 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 ...

The ministry also argues that shelter is not considered unexpected or that an unexpected expense prevented the appellant from paying rent.

The appellant initially thought she had the ability to borrow against her income tax refund; however subsequent information states that her tax refund was much less than expected. The appellant argues that she is in danger of losing her housing if the rent is not paid and has experienced periods of depression and suicidal thoughts. She argues that a crisis supplement for rent will ensure she remains housed, and is not unreasonable at this time in light of the challenges she has faced.

The panel acknowledges the difficulty of the appellant's situation but is bound by legislation.

The panel finds the ministry reasonably determined that the appellant was not entitled to receive disability benefits for March 2019, in accordance with section 5 of the *Employment and Assistance for Persons with Disabilities Act* and sections 1, 24, 29 and schedules A and B of the EAPWDR. Evidence provided by the ministry states the appellant's disability assistance is \$1137.42 and the amount of unearned income (EI medical benefits) to be applied to the month of March, is \$1340. According to the legislation \$1340 is to be deducted from \$1137.42 and as \$1340 is greater than \$1137.42, the amount of disability assistance payable for March would be nil.

The panel also finds the ministry reasonably determined that the appellant therefore would not be eligible for a crisis supplement according to section 57 (1) of the EAPWDR. Section 57 (1) states a crisis supplement may be provided to a family unit that is "eligible" for disability assistance. As there is no disability assistance payable for March, due to the EI medical benefits being deducted, a crisis supplement would not be payable.

As well, the panel finds the ministry reasonably determined that the rent expense was not unexpected or that an item was unexpectedly needed as required by section 57 (1) (a) of the EAPWDR. The appellant argues that she is "facing a monetary crunch", and has provided evidence stating her medical EI income is insufficient to maintain her basic monthly costs as she is receiving \$1390 in EI medical benefits while her monthly budget, totalling \$1466, exceeds that amount. However, there is insufficient evidence to demonstrate that the rent payment for March was unexpected.

Conclusion

For these reasons, the panel finds the ministry's decision was reasonably supported by the evidence, and confirms the decision. Therefore, the appellant's appeal is unsuccessful.

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 type="checkbox"/>	
and	
Section 24(2)(a) <input checked="" type="checkbox"/> or Section 24(2)(b) <input type="checkbox"/>	

PART H – SIGNATURES	
PRINT NAME Connie Simonsen	
SIGNATURE OF CHAIR	DATE (YEAR/MONTH/DAY) 2019/04/17

PRINT NAME Robert McDowell	
SIGNATURE OF MEMBER	DATE (YEAR/MONTH/DAY) 2019/04/17

PRINT NAME Wayne Reeves	
SIGNATURE OF MEMBER	DATE (YEAR/MONTH/DAY) 2019/04/17