

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "ministry") Reconsideration Decision of March 1, 2019 in which the ministry determined that the appellant was not eligible for a crisis food supplement because her need was not unexpected, pursuant to section 59 of the Employment and Assistance for Persons with Disabilities Regulation.

PART D – RELEVANT LEGISLATION

EAPWDR *Employment and Assistance for Persons with Disabilities Regulation, section 59*

[Redacted]

PART E – SUMMARY OF FACTS

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

- 1) **March 4, 2019** - The ministry indicates that the appellant contacted the ministry to request assistance with food. At that time, the appellant indicated that she was behind on her phone bill, and that she assisted her son this month because he was not working, and that she went to the food bank..
- 2) **March 14, 2019**- The appellant submitted a Request for Reconsideration to the ministry. She reported that her need is unexpected because her children needed help paying for their glasses. She reports that she needs some food so she does not get sick as she was on iron pills for three months due to a low blood count that made her dizzy and faint.
- 3) The appellant is [Redacted] years old and a sole recipient of income assistance
- 4) Effective April 1, 2019 – the appellant has a PWD designation
- 5) The appellant has just received a “top-up” for April of \$423.42 due to receiving the PWD designation.
- 6) The appellant moved in December 2018 and her rent is \$500/month.

Additional Information

The Appellant did not attend the hearing. After waiting for five minutes, and ensuring the appellant had received a Notice of Hearing on May 1, 2019, the panel proceeded with the hearing in the absence of the Appellant, pursuant to Section 87 of the *Employment and Assistance Regulation*.

PART F – REASONS FOR PANEL DECISION

The issue under appeal is the reasonableness of the Ministry of Social Development and Poverty Reduction's (the "ministry") Reconsideration Decision of March 1, 2019 in which the ministry determined that the appellant was not eligible for a crisis food supplement because her need was not unexpected, pursuant to section 59 of the Employment and Assistance for Persons with Disabilities Regulation.

The relevant section of the legislation is as follows:

Employment and Assistance for Persons with Disabilities Regulation, Section 59

Crisis supplement

59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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*

Panel Decision

The ministry's position, as set out in the Reconsideration Decision, is that the appellant is not eligible for a crisis food supplement because the appellant expressed that she chose to spend a portion of her income assistance to assist her non-dependent children to purchase glasses, pay for an outstanding bill, and rent.

The ministry contends that under section 59, of the *Employment and Assistance for Persons with Disabilities Regulation*, a crisis supplement is intended to assist the family unit where the supplement will meet an unexpected expense, and items such as bills and rent are not unexpected expenses.

The ministry also noted that the appellant has been recently approved for Persons with Disabilities (PWD) status which provided an additional \$423 top-up for the month of April. The ministry asserts that this top up should be of assistance for the appellant's immediate food needs.

The Appellant's position was that she assisted her children to pay for glasses, and that she could not get food from the food bank because they required picture identification, which she did not have. In the written reason for appeal, the appellant submits that without the supplement, her health will be impacted due to her allergies, iron deficiency, and food intolerances if she does not get the crisis supplement.

As outlined, Section 59 (1) of the Employment and Assistance for Persons with Disabilities Regulation, the minister may provide a crisis supplement to or for a family unit that is eligible for income 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*.

The panel finds that the evidence establishes that the appellant chose to use her income assistance funds to assist her non-dependent children to purchase glasses, as well as pay for outstanding bills, which generally do not qualify as unexpected expenses. The panel finds that the ministry was reasonable to determine that food is a necessary expense for the family unit, and as such, the appellant could expect to pay for this each month from her income assistance funds.

In deliberations, the panel considered that the ministry noted in the Reconsideration Decision that the recently awarded April 2019 PWD top-up pay of \$423.00 should assist the appellant with her current need for food. The panel finds that this reliance on the PWD status is irrelevant to the appellant's issue. The panel finds that no information related to the PWD application, or status change was submitted by the ministry for the panel to consider, and the application for the food crisis supplement was made at the beginning of March, 2019. The panel finds that the ministry had unreasonably relied upon benefit information after the crisis supplement application was made.

Accordingly, the panel finds that the decision of the ministry to deny the appellant a food crisis supplement based on the appellant not having an unexpected expense, is reasonably supported by the evidence in this case. Therefore, the panel confirms the ministry's decision pursuant to section 24(1)(a) and section 24(2)(a) of the *Employment and Assistance Act*. The appellant therefore is not successful in her appeal.

APPEAL NUMBER

PART G - ORDER

THE PANEL DECISION IS: (Check one)

UNANIMOUS

BY MAJORITY

THE PANEL

CONFIRM THE MINISTRY DECISION

RESCIND 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

Jennifer Armstrong

DATE (YEAR/MONTH/DAY)

2019/05/08

PRINT NAME

Sean Carberry

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/05/08

PRINT NAME

Joan Coatie

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/05/08