

APPEAL NUMBER

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "ministry") Reconsideration Decision of April 9, 2019 in which the ministry determined that the appellant was not eligible for a crisis supplement because his need for a new mattress was not unexpected, pursuant to section 57 of the Employment and Assistance for Persons with Disabilities Regulation.

PART D – RELEVANT LEGISLATION

EAPWDR *Employment and Assistance for Persons with Disabilities Regulation, section 57*

PART E – SUMMARY OF FACTS

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

- 1) **March 27, 2019** - The ministry indicates that the appellant contacted the ministry to request assistance with replacing his bed.
- 2) **April 2, 2019, 2019**- The appellant learned that his request was denied, and he then requested a Reconsideration of the decision.
- 3) The ministry notes that the appellant reported that he needed a new mattress because the current one is 23 years old and the springs are broken.

Additional Information

The Appellant did not attend the hearing. After waiting for ten minutes, and ensuring the appellant had received a Notice of Hearing on May 6, 2019, the panel proceeded with the hearing in the absence of the Appellant, pursuant to Section 87 of the *Employment and Assistance Regulation*.

The ministry relied on the reconsideration decision. Further, the ministry stated at the hearing that the appellant had since received the said supplement for furniture in the amount of \$600.00 and it had been issued on April 30, 2019. The appellant had made a separate application for the supplement on the same day that he filed for appeal – April 18, 2019. The panel considered that that despite the new information, the panel had an obligation to review the decision on appeal.

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 April 9, 2019 in which the ministry determined that the appellant was not eligible for a crisis supplement because his need for a new mattress was not unexpected; pursuant to section 57 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 57**Crisis supplement**

57 (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 supplement because the appellant expressed that he needed a new mattress, which did not present as an unexpected need.

The ministry contends that under section 57, 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 the mattress being 23 years old, it is not unexpected that it would need to be replaced over time.

The ministry also noted that the appellant had met the other criteria set out in the legislation, but had not met the unexpected expense or need criterion.

The Appellant's position, as noted in the Notice of Appeal, is that his bed broke unexpectedly, and that he did not understand the worker's questions, as English is his second language.

As outlined, Section 57 (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 did not provide any further information or evidence to suggest that his bed broke unexpectedly, or what part of the bed was broken, and or how it broke. Further, the panel finds that the evidence establishes that in his initial application, the appellant referred to a mattress needing to be replaced, and not a bed.

Accordingly, the panel finds that the decision of the ministry to deny the appellant a crisis supplement based on the appellant not having an unexpected expense or need, 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 his appeal.

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PARTG-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)

PARTH-SIGNATURES

PRINTNAME

Jennifer Armstrong

SIGNATUREOFCHAIR

DATE(YEAR/MONTH/DAY)

2019/05/13

PRINTNAME

Kulwant Bal

SIGNATUREOFMEMBER

DATE(YEAR/MONTH/DAY)

2019/05/13

PRINTNAME

Carla Tibbo

SIGNATUREOFMEMBER

DATE(YEAR/MONTH/DAY)

2019/05/13