

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated April 16, 2019, which denied the appellant's request for a crisis supplement for clothing because in accordance with section 59(4)(c)(i) of the Employment and Assistance Regulation (EAR) the appellant has already received the maximum crisis supplement within the 12 calendar months preceding the date of his application.

The ministry noted that the 3 criteria of section 59(1) of the EAR (unexpectedness, no alternate resources, and imminent danger to physical health) had been met.

PART D – RELEVANT LEGISLATION

EAR section 59

PART E – SUMMARY OF FACTS

The information before the ministry at reconsideration included the following:

In May 2018 the appellant had received a crisis supplement for clothing in the amount of \$100.

On April 4, 2019 the appellant requested a crisis supplement for clothing.

In his request for reconsideration dated April 11, 2019 the appellant wrote that all his possessions were stolen while he was attending court and now he has nothing. All his charges have been dismissed. Due to his physical stature he was only able to obtain 1 pair of pants, a shirt and socks.

In his Notice of Appeal dated May 7, 2019 the appellant wrote that the ministry decision "is not fact based! The R.C.M.P. threw out all of my possessions, clothing, personal effects, luggage + backpack with medications, personal care items, cell phone, wallet, I.D., cash!"

The panel admits the appellant's Notice of Appeal pursuant section 22(4) of the Employment and Assistance Act because this information is in support of the information before the ministry at reconsideration; it confirms the appellant's statements about the loss of his belongings.

PART F – REASONS FOR PANEL DECISION

The issue in this appeal is the reasonableness of the ministry reconsideration decision that denied the appellant's request for a crisis supplement for clothing because in accordance with section 59(4)(c)(i) the appellant has already received the maximum crisis supplement within the 12 calendar months preceding the date of his application.

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*.

(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, and

(c)if for clothing, the amount that may be provided must not exceed

(i)\$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement;...

Appellant's Position:

The appellant argues that he should be eligible for a crisis supplement for clothing because all his personal possessions were stolen and he has only been able to obtain 1 pair of pants, socks and a shirt.

Ministry Position

The ministry determined that under section 59(2) of the EAR a crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made. The appellant requested a crisis supplement in April 2019; therefore, the ministry is only able to consider the appellant's eligibility for a crisis supplement for April 2019.

The ministry determined further that section 59(1) states that if a crisis supplement is for clothing, the amount the ministry may provide must not exceed \$100 in the 12 months preceding the date of the application. The appellant received a crisis supplement for clothing in the amount of \$100 in May 2018; therefore the appellant is not eligible for a crisis supplement for clothing in April 2019.

Panel Decision

Section 59(4)(c)(i) states that a crisis supplement for clothing is subject to the following limitation: the amount that may be provided must not exceed \$100 in the 12 calendar month period preceding the date of the application. While the appellant argues that all his clothes were stolen and he has only been able to obtain 1 pair of pants, socks and a shirt, the panel finds that the appellant was not eligible for a crisis supplement for clothing in April 2019 because he had already received a \$100 crisis supplement for clothing in May 2018 which was within the 12 calendar month period preceding the date of the application. Consequently, the panel finds that the ministry reasonably determined that the appellant was not eligible for a crisis supplement for clothing in April 2019.

Conclusion:

The panel finds that the ministry's decision to deny the appellant a crisis supplement for clothing was reasonably supported by the evidence and a reasonable application of the legislation in the appellant's circumstances. The ministry's reconsideration decision is confirmed and the appellant is not successful on appeal.

APPEAL NUMBER

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) and Section 24(1)(b)

and

Section 24(2)(a) or Section 24(2)(b)

PART H - SIGNATURES

PRINT NAME

Inge Morrissey

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2019/09/24

PRINT NAME

Marlene Russo

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/09/24

PRINT NAME

Glenn Prior

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/09/24