

APPEAL NUMBER

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated October 7, 2019, which denied the appellant's request for a crisis supplement for clothing because the appellant had already received the maximum crisis supplement for clothing in accordance with section 57(4)(c)(i) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR).

The ministry determined further that the appellant was not eligible to receive a crisis supplement for several household items as the loss of these items will not result in imminent danger to the appellant's physical health as set out in section 57(1)(a)(i).

PART D – RELEVANT LEGISLATION

Employment and Assistance for Persons with Disabilities Act (EAPWDA) section 5;
EAPWDR section 57.

PART E – SUMMARY OF FACTS

The information before the ministry at reconsideration included the following:

In May 2019 the appellant received a crisis supplement for clothing in the amount of \$100.

On September 9, 2019 the appellant requested a crisis supplement for clothing and household items lost during a flood in the appellant's residence.

In a letter dated September 21, 2019 the appellant wrote that during a flooding all the appellant's belongings were lost which created a state of emergency for the appellant. In the letter it says: "Sheets, shoes, cleaning supplies, slippers, jackets, bras, bags, underwear, television, DVD player, wigs, wallets, backpacks, pants, joggers, hats, scarves, dresser table, laptop, stereo, speaker, printer, high heels, dresses, umbrella, table, table cloth, candles, food, books, bookshelf, socks, stockings, teddy bears, pictures, markers, gel pens, writing books/colouring books, comforter, pillows, sheet sets, body products, radio, bike all my things have been ruined."

On October 7, 2019 the ministry found the appellant eligible for a crisis supplement for food and the following household items: a sheet set, a comforter and a pillow.

In the Notice of Appeal dated October 10, 2019 the appellant wrote: "Because I have nothing + feel it is inhumane to live without anything. I lost everything due to water damage from a fire in my neighbour's room. There was a fire in my neighbour's room a couple month ago the water damage ruined all of my belongings. I need to replace everything. The \$40 issued to me on October 9/19 was not sufficient to buy things."

On October 17, 2019 a letter dated August 12, 2019 from the appellant's building manager was received by the tribunal. In this letter the building manager confirms that the appellant is a tenant since April 15, 2019. The building manager writes that the appellant "is seeking assistance in a crisis grant for the belongings affected by water damage that happened on July 4, 2019".

The panel admits the appellant's Notice of Appeal and the building manager's letter pursuant to section 22(4) of the Employment and Assistance Act because the information contained in these 2 documents is in support of the information before the ministry at reconsideration; the new information confirms the appellant's statements about the water damage and the resulting loss of 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 57(4)(c)(i) the appellant has already received the maximum crisis supplement within the 12 calendar months preceding the date of his application.

Further, was the ministry reasonable when it determined that the appellant was not eligible to receive a crisis supplement for several household items as the loss of these items will not result in imminent danger to the appellant's physical health as set out in section 57(1)(a)(i)?

EAPWDA**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.

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.

Appellant's Position:

The appellant argues that a state of emergency has arisen in the appellant's life because of the unexpected loss of all the appellant's belongings. It is inhumane to be expected to live without replacements of the lost items. A crisis supplement for food issued by the ministry was not sufficient to replace the destroyed items.

Ministry Position

The ministry determined that the appellant is not eligible for a crisis supplement for clothing and several household items; however, the appellant is eligible for a crisis supplement for food, as well as a comforter, sheet set and pillow.

Under section 57(4)(c)(i), if the request is for a crisis supplement for clothing for a sole recipient such as the appellant, the amount that may be provided must not exceed \$100 in 12 calendar months preceding the date of the application for the crisis supplement. The appellant received the maximum crisis supplement for clothing in May 2019; therefore, the appellant is not eligible for a crisis supplement for clothing at this time. The list of items provided in the request for reconsideration that fall under this category include: shoes, slippers, jackets, bras, underwear, pants, joggers, hats, scarves, high heels, dresses, socks, and stockings.

Under Section 57(1) of the EAPWDR a crisis supplement may only be provided if all three of the following criteria are met:

1. The need for the item is unexpected or there is an unexpected expense, and
2. There are no alternate resources available, and
3. Failure to obtain the item or meet the expense will result in imminent danger to physical health or the removal of a child under the *Child, Family and Community Service Act*.

1. The ministry accepted that having belongings and food destroyed by a flood is unexpected and has resulted in an unexpected need for funds to replace the belongings; therefore, criterion #1 has been met.

2. The ministry accepted that the appellant does not have alternate resources to meet this need; therefore, criterion # 2 has been met.

3. The ministry found that failing to obtain the majority of the listed items (bags, television, DVD player, wigs, wallet, backpacks, dresser, table, laptop, stereo, speakers, printer, umbrella, table, table cloth, candles, books, bookshelf, teddy bears, pictures, markers, gel pens, writing books, colouring books, body products, radio and bike) will not result in imminent danger for the appellant's physical health; therefore the ministry found that criterion #3 has not been met for these items and the appellant is not eligible for a crisis supplement to replace these items.

The ministry accepts that food is essential for good health. Additionally, sheet sets, pillows and comforters are necessary to ensure a restful sleep which is also essential to good health. As the appellant does not have access to adequate amount of food, or bedding items, the ministry finds that failing to obtain these items will result in imminent danger to physical health; therefore, criterion #3 has been met.

As the appellant's request for bags, television, DVD player, wigs, wallet, backpacks, dresser, table, laptop, stereo, speakers, printer, umbrella, table, table cloth, candles, books, bookshelf, teddy bears, pictures, markers, gel pens, writing books, colouring books, body products, radio and bike does not meet all of the criteria listed in section 57(1) the ministry is unable to approve the request.

However, the ministry finds that the appellant's request for food, a sheet set, a comforter and a pillow meet the criteria listed in section 57(1) and therefore the appellant is eligible for a crisis supplement for food, a sheet set, a comforter and a pillow.

Panel Decision

While the appellant argues that the loss of all the appellant's belongings has led to a state of emergency the panel finds that the ministry reasonably determined that the appellant is not eligible for a crisis supplement for clothing and several household items for the following reasons:

Clothing

Section 57(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. As the appellant had received a crisis supplement for clothing in May 2019 for the maximum amount the panel finds that the ministry reasonably determined that the appellant was not eligible for a crisis supplement for clothing as set out in section 57(4)(c)(i). The panel agrees with the ministry that the following items fall under the category of clothing: shoes, slippers, jackets, bras, underwear, pants, joggers, hats, scarves, high heels, dresses, socks, and stockings.

Household Items

Section 57(1) sets out 3 criteria all of which the appellant must meet before the ministry may provide a crisis supplement:

- 1. the appellant requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed;
- 2. there are no resources available to the appellant;
- 3. failure to obtain the crisis supplement will result in imminent danger to the physical health of the appellant.

1. Unexpected

The ministry determined that this criterion has been met.

2. No resources available

The ministry determined that this criterion has been met.

3. Imminent danger to the physical health:

While the appellant argues that a state of emergency has arisen because of the loss of all the appellant's belongings the panel finds that there is no evidence that the loss of cleaning supplies, bags, television, DVD player, wigs, wallet, backpacks, dresser, table, laptop, stereo, speakers, printer, umbrella, table, table cloth, candles, books, bookshelf, teddy bears, pictures, markers, gel pens, writing books, colouring books, body products, radio and bike caused imminent danger to the appellant's physical health as set out in section 57(1)(b)(i). Consequently, the panel finds that the ministry reasonably determined that the appellant's request for a crisis supplement for several household items does not meet all of the required criteria listed in section 57(1).

The panel notes that as a result of a clerical error the ministry failed to include cleaning supplies in the list of lost household items. As the ministry has found the appellant eligible for a crisis supplement for a comforter, sheet set and pillow, the panel notes that cleaning supplies are not part of this list and are therefore to be included in the list of items the ministry did not approve.

While the appellant argues that the crisis supplement for food issued by the ministry was not sufficient to replace the destroyed items the panel notes that per definition a crisis supplement for food is issued to replace food, not any other items on the appellant's list.

Conclusion

The panel finds that the ministry's decision to deny the appellant a crisis supplement for clothing and household items 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.

APPEALNUMBER

PARTG-ORDER

THE PANEL DECISIONIS:(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

LEGISLATIVEAUTHORITYFORTHEDECISION:

Employment and Assistance Act

Section 24(1)(a) and Section 24(1)(b)

and

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

PARTH-SIGNATURES

PRINTNAME

Inge Morrissey

SIGNATUREOFCHAIR

DATE(YEAR/MONTH/DAY)

2019/11/28

PRINTNAME

Perry Mazzone

SIGNATUREOFMEMBER

DATE(YEAR/MONTH/DAY)

2019/11/28

PRINTNAME

Carman Thompson

SIGNATUREOFMEMBER

DATE(YEAR/MONTH/DAY)

2019/11/28