

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry) reconsideration decision dated 4th February 2020 (RD) that determined that the appellant was not eligible for a crisis supplement for clothing because the appellant had not satisfied the ministry that the supplement was required (i) to meet an unexpected expense or obtain an item unexpectedly needed; and (ii) there are no resources available to meet the need, as more particularly required under Section 57 of the Employment And Assistance for Persons with Disabilities Regulation.

PART D – RELEVANT LEGISLATION

- Employment Assistance for Persons with Disabilities Act (EAA), Section 5
- Employment and Assistance for Persons with Disabilities Regulation EAPWDR), Section 57

PART E – SUMMARY OF FACTS

The information before the ministry at the time of reconsideration included the appellant's "Request for Reconsideration" dated 20th January 2020 in which the appellant, amongst other matters, submitted that:

- The appellant had no winter clothing and desperately needed a winter coat, winter boots, and winter clothing (sweaters, winter pants and winter socks);
- The appellant's winter coat, winter boots, and winter clothing (sweaters, winter pants and winter socks) were stolen;
- The appellant had unexpected car repairs costing \$235.00;
- After rent payment, the appellant is left with money for food only;
- The appellant has a medical condition and it costs more to supply a special diet for the medical condition;
- The appellant's physical health is in imminent danger due to weather temperatures (below 0 degree C and freezing levels);
- The appellant has no other resources available to access to purchase winter coat, winter pants and winter clothing (sweaters, winter pants and winter socks); and
- The appellant was in dire need to purchase the said clothing to withstand the current weather conditions.

Additional information before the Panel

1. In the Notice of Appeal dated 7th February 2020, the appellant stated that on the date of the Notice of Appeal, the appellant was at a hospital and was submitting the vehicle repair invoice for \$234.20. The appellant further submitted that: (i) the appellant is still in need of the crisis supplement for winter clothing (coat, umbrella, boots, sweaters, winter pants and socks); and (ii) did not have any of the said items and was therefore in imminent danger due to cold weather.
2. An Invoice dated 7th February 2020 for \$234.20 from a vehicle repairs shop.
3. Reconsideration decision of the Ministry dated, which amongst other matters stated the following:
 - The appellant is a single person with a PWD designation.
 - On January 9, 2019 the appellant had received the appellant's last crisis supplement for clothing (\$100).
 - On January 10, 2020, the appellant contacted the ministry requesting a crisis supplement for clothing. The appellant had explained that it was very cold, and that appellant did not have any winter clothes or boots, as the appellant outgrew last year's winter clothes 6 months ago and didn't have winter boots last year.
 - On January 15, 2020, the ministry contacted the appellant to further discuss the appellant's request. The appellant again explained that the appellant outgrew the appellant's winter clothing 6 months ago and also explained that the appellant had paid \$200 to repair the appellant's vehicle.

- On January 15, 2020, a ministry worker reviewed the appellant's request and determined that the appellant was not eligible for a crisis supplement for clothing as all legislative criteria had not been met. Specifically, the ministry was not satisfied that the appellant's need for winter clothing was unexpected, as the appellant knew 6 months ago that the appellant's winter clothing did not fit the appellant, and that costs for the appellant's vehicle were not considered to be a priority. The ministry also indicates that the appellant had resources available as a cheque issue was due within 7 days.
- In the appellant's request for reconsideration, the appellant had stated that the appellant had no winter clothing and desperately needed a winter coat, boots and clothing (sweaters, winter pants and socks). The appellant further stated that: (i) the winter clothing the appellant had were all stolen; (ii) the appellant had unexpected car repairs costing \$235.00; (iii) the appellant could not afford to purchase more clothing; (iv) the appellant had a medical condition that required an increased special dietary costs; (v) the weather was cold, and the appellant's physical health is in imminent danger; and (vi) the appellant had no other resources available.
- In order to be eligible for a crisis supplement the appellant must meet the criteria set out in Regulation. The following items are required:
 - (i) the appellant required the supplement to meet an unexpected expense or obtain an item unexpectedly needed;
 - (ii) there are no resources available to meet the need; and
 - (iii) failure to obtain the item will result in imminent danger to the appellant's health physical health.
- Clothing is limited to \$100 per person within the past 12-month period.
- The Ministry acknowledged that the appellant had contacted the Ministry exactly one year and one day after receiving the appellant's last crisis supplement for clothing. The Ministry noted that although the limit on crisis supplements for clothing is \$100 every 12 months, this does not automatically entitle an individual to a clothing supplement yearly. Other legislative requirements must be met in order to receive a crisis supplement for clothing (outlined below).
- The ministry was not satisfied that the appellant met criteria 1 of the legislation above. When the appellant spoke with the Ministry on January 10 and 15, 2020, the appellant had indicated on both dates that the appellant's need for winter clothing was due to the fact that the appellant outgrew the appellant's winter clothing 6 months ago. As the appellant was aware of this for a 6-month time period before the winter season, the ministry is not satisfied that the appellant's need for winter clothing is unexpected. Although the appellant indicated in the appellant's request for reconsideration (submitted on January 21, 2020) that the appellant's winter clothing was stolen, this was not the reason given to the ministry on January 10 and 15, 2020. The appellant did not provide details of the circumstances of the theft (someone stole *only* the appellant's winter clothing?) and further, even if the winter clothing was stolen, they were items that the appellant had outgrown, and the appellant's circumstances had not changed either way. Although the appellant had indicated that the appellant had the unexpected expense for car repairs, the ministry was not satisfied that this related to the

request for a crisis supplement for clothing, nor did it explain how the car repair was essential. Further, the appellant did not provide details of the car repairs (receipt, reason for repair, unexpected need or general maintenance, requirement of a vehicle versus public transportation etc.).

- The ministry was not satisfied that the appellant met criteria 2 of the legislation above. Although the appellant had indicated that the diabetic diet costs more, the ministry provides the appellant with a monthly diabetic dietary allowance (\$35/month) which is a resource available to the appellant for this expense.
- Although the appellant had indicated that the appellant had “*no other resources available to access to purchase winter clothing*”, the appellant did not explain any efforts that the appellant had made to access resources in the community for free warm clothing (i.e. churches, shelters). The Ministry noted that, as the appellant lived in a large city, the appellant had options for community resources that the appellant could have made efforts to access.
- The ministry was satisfied that the appellant met criteria # 3 of the legislation above.
- As all of the legislative criteria had not been met, the ministry denied the appellant’s request for a crisis supplement for clothing.

Admissibility of Additional Information

The panel finds that the additional information provided by the appellant with the Notice of Appeal dated 7th February 2020 (invoice dated 7th February 2020) is information that relates to the requested crisis supplement for winter clothing and therefore reasonably required for a full and fair disclosure of the decision under appeal and is admissible under Section 22(4)(b) of the Employment Assistance Act.

Having reviewed all the evidence before it, the panel finds that:

1. The appellant is a family unit with a Person with Disabilities (PWD) designation;
2. The appellant is eligible for a disability assistance and supplements under Section 5 of the EAPWDR; and
3. The ministry accepted that failure to obtain the crisis supplement for clothing will result in imminent danger to the physical health of the appellant.

PART F – REASONS FOR PANEL DECISION

The issue on the appeal is whether the Ministry's decision that denied the appellant's request for a crisis supplement for clothing because the appellant had not satisfied the Ministry that the supplement was required (i) to meet an unexpected expense or obtain an item unexpectedly needed; and (ii) there are no resources available to meet the need, was reasonably supported by the evidence or a reasonable application of the applicable enactment in the circumstances of the appellant.

The relevant applicable legislation is as follows:

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

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 sum of

(A) the maximum set out in section 2 of Schedule A and the maximum set out in section 4 of Schedule A, or

(B) the maximum set out in Table 1 of Schedule D and the maximum set out in 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.

(5) Repealed. [B.C. Reg. 248/2018]

(6) Repealed. [B.C. Reg. 248/2018]

(7) Despite subsection (4) (b), a crisis supplement may be provided to or for a family unit for the following:

(a) fuel for heating;

(b) fuel for cooking meals;

(c) water;

(d) hydro.

Panel Decision**Unexpected Expense or Item Unexpectedly Needed**

The panel notes that, when the appellant spoke with the Ministry on January 10 and 15, 2020, the appellant had indicated on both dates that the need for winter clothing was due to the fact that the appellant outgrew the winter clothing 6 months before. As the appellant was aware of this for a 6-month time period before the winter season, the ministry was reasonable not to be satisfied that the appellant's need for winter clothing is unexpected.

The panel further notes that:

- although the appellant had reported to the ministry through the reconsideration request dated 20th January 2020 that the appellant's winter clothes were all stolen, neither the said request nor the Reasons for Appeal in the Notice of Appeal dated 7th February 2020, provided any details of the circumstances of the theft; and
- the appellant had indicated to the ministry on January 10th and 15, 2020 that the need for winter clothing was due to the fact that the appellant had outgrown the winter clothing 6 months earlier.

Therefore, the panel finds that the ministry reasonably determined that the appellant's need for crisis supplement was not due to an unexpected expense or items that were unexpectedly needed.

No Resources Available to Meet the Need

The panel notes that the appellant indicated having increased dietary costs, as the appellant was diabetic. In this context, the panel notes that the ministry provided the appellant with an additional monthly special dietary allowance (\$35/month), which is a resource available to the appellant for this expense.

The appellant had also submitted that the appellant could not afford to purchase more clothing, due to unexpected car repairs costing \$235.00. In this context, the panel notes that:

- the invoice for car repairs dated 7th February 2020 is dated 3 days after the RD dated 4th February 2020;
- It is not clear whether the car belongs to the appellant as the said invoice is in the name of someone other than the appellant; and
- The amount of \$235.00 paid by the appellant in February 2020 for the car repairs was a resource available to the appellant at the time of the application for a crisis supplement in January 2020

The panel also notes that, although the appellant is a resident of a large city that has options for community resources that the appellant could have made efforts to access, the appellant has not disclosed in any of the appellant's submissions that any efforts were made by the appellant to access free warm clothing from such community resources (i.e. churches, shelters).

Therefore, the panel finds that the ministry reasonably determined that it was not satisfied that there are no resources available to meet the needs of the appellant.

For the reasons described above, the panel finds that Ministry's reconsideration decision dated 4th February 2020 was reasonably supported by evidence and a reasonable application of the applicable enactment in the circumstances of the appellant and confirms the ministry's reconsideration decision.

The appellant's appeal, therefore, is not successful.

APPEAL NUMBER
2020-00042

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) ☒ or Section 24(1)(b) ☐

and

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

PART H – SIGNATURES

PRINT NAME

TAJDIN MITHA

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2020 - 03 - 24

PRINT NAME

SHIRLEY HEAFEY

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020 - 03 - 24

PRINT NAME

ROSALIE TURCOTTE

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020 - 03 - 24