

APPEAL NUMBER
2020-00237

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated August 2, 2020, which denied the appellant's request for a crisis supplement for a bed, box spring, and frame.

The ministry determined that the appellant's request for a crisis supplement for a bed, box spring and frame does not meet all the criteria set out in section 57 of the EAPWD Regulation. Specifically, the ministry determined that the supplement was not needed to meet an unexpected expense, or obtain an item unexpectedly needed and as well it was determined that failure to provide the item would not result in imminent danger to the physical health of the appellant.

PART D – RELEVANT LEGISLATION

Employment and Assistance for Persons with Disabilities Act, Section 5 (Disability assistance and supplements)

Employment and Assistance for Persons with Disabilities Regulation, Section 57 (Crisis supplement)

PART E – SUMMARY OF FACTS

The appellant is a sole recipient of disability assistance.

Summary of Key Dates:

- **June 25, 2020-** the appellant attended a local office and initiated a request for a crisis supplement for furniture. The ministry noted the appellant reported the following:
 - The request was for a bed, box spring, and frame.
 - There were rips in the mattress.
 - There was a danger to the appellant's health.
 - The furniture was required as soon as possible.
 - The appellant did not have any available resources.
- **June 30, 2020-** the ministry required more information about the request and spoke to the appellant via telephone. The ministry noted the appellant reported the following:
 - The appellant's bed was destroyed when they moved into the rental in September.
 - A friend provided the bed to the appellant. The bed was used and not in good condition, but the appellant had medical issues and other more pressing matters that needed to be dealt with before requesting a bed.
 - The appellant was now at the point where their bed was not suitable to sleep in to have a good night sleep due to medical issues.
- **July 2, 2020-** a ministry worker reviewing the appellant's new shelter information form contacted the landlord and was told the room was fully furnished with a bed. The ministry worker denied the appellant's crisis supplement request as there was no crisis at the time as the appellant had been supplied a bed with the room rental.
- **July 9, 2020-** the appellant was advised they were not eligible for a crisis supplement for a bed, box spring, and frame.
- **August 7, 2020-** the appellant submitted a Request for Reconsideration.
- **August 21, 2020-** the ministry completed the review of the appellant's Request for Reconsideration.
- **Evidence before the ministry at the time of reconsideration:**
- In the **Request For Reconsideration**, under Reasons for Request, the appellant wrote:
 - They have tried many times to talk to a worker about their bed needs.
 - Both beds are used.
 - The appellant has found it hard to sleep properly and has been in the hospital many times with lung problems.
 - The lung problems may be caused by sleeping in other people's beds.

Additional information:

- **Appellant Submission-** In a letter prepared by the appellant's advocate, dated December 21, 2020 the following points were made:
 - Background information as noted above in Summary of Key Dates beginning with June 25, 2020.
 - In regards to condition #1- "the supplement is needed to meet an unexpected expense, or obtain an item unexpectedly" the advocate notes:
 - The appellant's bed was unexpectedly destroyed and was provided a mattress which was not in good condition.
 - The appellant realized the bed was not suitable but he had more pressing medical issues to attend to.

- The appellant was in and out of hospital numerous times during the winter of 2020.
- In an unexpected move on July 1, 2020, the appellant found the bed in the new accommodation was of extremely poor condition.
- After 90 days the appellant found new accommodations but still requires a bed.
- In regards to condition #3, “failure to provide the item will result in imminent danger to physical health” the advocate notes:
 - A doctors note states with a new bed the appellant “would likely have a better sleep and thus better health in general”
 - The appellant has been admitted to the hospital numerous times which illustrates their ongoing health condition.
- **Appellant Submission-** A document submitted by the appellant via an office drop box dated October 29, 2020 in which the following points are made:
 - The appellant has had issues with their lungs.
 - Lung issues began after sleeping on a stained mattress and the appellant quit smoking in December 2019.
 - The appellant states they had a near death breathing problem due to the bed in their second accommodation.
 - The appellant currently sleeps on an air mattress as they can not trust anyone’s old mattress. Even though the appellant has been designated a Person with Disabilities, the ministry is still not helping to obtain a bed.
- In the **Notice of Appeal** dated October 20, 2020 the following information was given:
 - The appellant disagrees with the ministry decision as it took many months in his first used bed to become sick.
 - After many changes in medications and the purchase of new sheets the appellant was doing not bad but there is still a lingering cough and chest pain.
 - The new accommodation supplied a bed which is 25 years old and now the appellant is having the same problems but worse. The appellant attributes their near death condition to the bed at the second accommodation.
- In a **note from the appellant’s doctor** dated November 30, 2020, the doctor states:
 - The appellant needs ministry assistance to purchase a new bed.
 - The appellant reports that they sleep on an air mattress.
 - The appellant “would likely have a better sleep and thus better health in general on a proper bed mattress.”
- **Hospital Admissions** dated from January 3, 2020 to May 22, 2020 which show six admissions.
- **Medication sheets** dated from December 9, 2020 to January 8, 2021 which note the medications the appellant is using.
- **Emergency room visit notes** dated 2020 which note the appellant’s ankle fracture, ongoing lung condition and the state of their medical condition.

Admissibility of additional information

The panel finds that the additional information provided by the appellant in the submissions on appeal is relevant to the decision under appeal as they tend to substantiate the appellant’s position in relation to this request. The panel therefore admits this evidence under section 22(4) of the Employment and Assistance Act.

PART F – REASONS FOR PANEL DECISION

Appeal Issue

The issue in this appeal is whether the ministry was reasonable in denying the appellant's request for a crisis supplement for a bed, box spring, and frame. More specifically, the issue is whether the following ministry determination is reasonably supported by the evidence or a reasonable application of the legislation in the circumstances of the appellant:

- the appellant requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense to obtain the item because there are no resources available, and,
- the minister considers that the failure to meet the expense or obtain the item will result in imminent danger to the physical health of the appellant.

Analysis

Appellant's Position

The appellant advises that their bed was unexpectedly destroyed before moving into a rental on September 2019 and believes that sleeping on the used beds has resulted in imminent danger to their physical health.

Ministry's Position

As the appellant had experienced numerous health issues before sleeping on the second mattress of the July 2020 rental, the ministry is not satisfied the bed is the cause of the appellant's reported health issues and therefore is not satisfied a bed, box spring, and frame are unexpected expenses or items needed unexpectedly. As well, the ministry believes there is limited evidence submitted to support that the bed at the second rental had created an urgent danger to the appellant's health and therefore the ministry is not satisfied that failure to purchase a bed, box spring, and frame will result in an imminent danger to the appellant's physical health.

Panel Finding

For the appellant to be eligible for a crisis supplement as set out in section 57 of the EAPWD Regulation, the appellant must meet three criteria, firstly, that the expense is unexpected or that the item is unexpectedly needed, secondly, that there is a lack of resources to purchase the item(s) and lastly that the minister considers that the failure to meet the expense or obtain the item(s) will result in imminent danger to the physical health of the appellant. The ministry has accepted the appellant does not have the resources but has denied the appellant as the appellant has not met the other two requirements.

- **Expense is unexpected or the item is unexpectedly needed**
 - From September 2019 the appellant has had a number of different beds supplied in various rental situations which they have not been pleased with as the beds have been used and in poor condition. The panel finds the ministry was reasonable in denying the appellant's request for a crisis supplement as the need to purchase a bed, box spring, and frame for a better quality sleep was not unexpected nor were the items unexpectedly needed.

- **Failure to purchase a bed, box spring, and frame will result in an imminent danger to the appellant's physical health.**
 - As the evidence supplied by the appellant's doctor does not confirm the appellant's belief that their bed is the reason for their current health issues but rather the appellant "would likely have a better sleep and thus better health in general on a proper bed mattress", the panel finds the ministry was reasonable in denying the appellant's request for a crisis supplement as there is no evidence that failure to meet the expense will result in imminent danger to the physical health of the appellant.

Conclusion

Based on the foregoing analysis, the panel finds that the ministry's reconsideration decision denying the appellant's request for a crisis supplement is a reasonable application of the legislation in the circumstances of the appellant. The panel therefore confirms the ministry's decision. The appellant's appeal is thus not successful.

APPENDIX B – APPLICABLE LEGISLATION

Employment and Assistance for Persons with Disabilities Act, Section 5 (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, Section 57 (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.

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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

Charles Schellinck

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2021/01/14

PRINT NAME

Mellissa McLean

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2021/01/14

PRINT NAME

Ken Smith

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2021/01/14