

APPEAL NUMBER
2021-0102

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (Ministry) reconsideration decision dated May 12, 2021 that the appellant did not qualify for a crisis supplement for COVID-related expenses because the information provided did not meet the requirements set out at section 57 of the Employment and Assistance for Persons with Disabilities Regulation. Specifically, the Ministry determined that the appellant had not demonstrated that the supplement was needed to meet an unexpected expense or obtain an item unexpectedly needed.

PART D – RELEVANT LEGISLATION

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

PART E – SUMMARY OF FACTS

The appellant is in receipt of disability assistance as a single person with no dependents.

On May 3, 2021, the appellant contacted the ministry, concerned that they believed they had only received \$189 for disability assistance. A ministry worker reviewed the appellant's file and advised that on April 21 \$688.42 was paid to the appellant by direct deposit and \$650 was sent directly to their landlord for rent. The appellant advised the ministry that they only received \$189 and the rest was taken by the bank to repay a loan. The ministry requested that the appellant provide bank statements. The appellant advised that the same thing had occurred in each of the past three months. The ministry provided an opinion that it would be unusual for a bank to recapture \$1500 for a \$100 loan and suggested the appellant contact their bank manager for clarification.

On May 3, 2021, the appellant provided a bank statement to the ministry. Upon review of the statement, the ministry worker advised the appellant that they had received a deposit of \$688.42 on April 21 from the ministry and that the \$189 amount deposited on April 23 appeared to be an NSF payment returned. The ministry denied the appellant's request for a crisis supplement for food because the ministry determined that the appellant had not demonstrated that something unexpected had happened, thus preventing them from purchasing food.

On May 11, 2021 the appellant submitted a request for reconsideration, arguing that that more than \$400 has been withdrawn from their disability funds for February, March, and April of 2021.

At reconsideration, the ministry denied the appellant's request for a crisis supplement. This is the decision being appealed.

In their Notice of Appeal, dated May 14, 2021, the appellant indicated that they disagree with the ministry's reconsideration decision "because it is an unforeseen circumstance".

Appeal Submissions

The appellant did not provide appeal submissions and did not attend the hearing. Having confirmed that the appellant was notified of the hearing, the panel proceeded with the hearing pursuant to section 86 of the *Employment and Assistance Regulation*.

The Ministry relied on the reconsideration decision at the hearing.

Admissibility

The panel finds that no information has been provided by the parties that was not in evidence at reconsideration. There is no need for the panel to make any admissibility determination under section 22(4) of the *Employment and Assistance Act*.

PART F – REASONS FOR PANEL DECISION

The decision under appeal is whether the Ministry's reconsideration decision, in which the ministry determined that the appellant was not eligible for a crisis supplement, was reasonably supported by the evidence or a reasonable application of the applicable legislation in the circumstances of the appellant. The ministry determined that the appellant did not qualify for a crisis supplement for food because they had not established that the appellant had demonstrated an unexpected need for food or that they had incurred an unexpected expense.

For the reasons that follow, the panel finds that the Ministry's reconsideration decision is both reasonably supported by the evidence and a reasonable application of the applicable legislation in the circumstances of the appellant.

To qualify for a Crisis Supplement, a number of criteria set out in the EAPWDR must be met.

A preliminary criterion to consideration of a Crisis Supplement is the requirement that any applicant must be a part of a qualifying family unit. The EAPWDR specifies that this means a family unit that is eligible for disability assistance or hardship assistance. There is no dispute in this appeal that the appellant meets this criterion as a recipient of disability assistance.

There are three other criteria that must also be satisfied. First, there must be an unexpected expense or item unexpectedly needed. Second, there must be no resources available to meet the expense. Third, failure to meet the expense or obtain the item will result in imminent danger to the physical health of a person in the family unit or removal of a child under the [Child, Family and Community Service Act](#).

The ministry determined at reconsideration that the second and third criteria had been met. The only criterion at issue in this appeal is the first criterion, which requires an individual to demonstrate an unexpected expense or need.

Unexpected Need or Expense

With respect to the first criterion, the ministry determined that the expense or need was not unexpected. The ministry indicated that the appellant's bank records did not support their assertion that the bank had withdrawn \$400 for the past three months to repay a \$100 loan. The ministry further found that although the appellant stated that they only received \$189 for disability assistance, a review of their bank record confirmed a \$688.42 direct deposit. The Ministry noted that the bank record showed that the \$189 deposit was not disability assistance but a returned NSF payment. The ministry noted that loan repayment is not an unexpected event and argued that the appellant had not provided evidence to confirm that the loan was recaptured differently than agreed. In the result, the ministry was not satisfied that the appellant had an unexpected need or had incurred an unexpected expense.

The appellant, in their Notice of Appeal, asserted that there has been an unforeseen circumstance. In their Request for Reconsideration, the appellant has indicated that the over \$400 has been withdrawn from their disability assistance from February to April 2021.

The panel finds the ministry's reconsideration decision to be reasonable on this criterion. The only banking document in evidence before the ministry at reconsideration, and this panel on appeal, shows a deposit of \$688.42 from the ministry to the appellant. While the appellant argues that they have experienced an unforeseen circumstance and that over \$400 has been taken from their disability assistance, the records they have provided do not support this argument. There is no withdrawal amount on the banking document in evidence that supports the appellant's assertion of unexpected or unforeseen withdrawal of funds. The panel agrees with the ministry's position that regular loan payments are not unexpected expenses. The panel finds that there is an absence of evidence to demonstrate any irregular or unexpected withdrawal. The ministry's determination that this criterion was not met is reasonably supported by the evidence and a reasonable application of the legislation in the appellant's circumstances.

APPEAL NUMBER
2021-0102

Conclusion

The panel finds that the Ministry's reconsideration decision was a reasonable application of the legislation in the circumstances of the appellant and is reasonably supported by the evidence. The panel confirms the Ministry's reconsideration decision. The appellant is not successful on appeal.

Relevant Legislation

The following section of the EAPWDR applies in this appeal:

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.

APPEAL NUMBER
2021-0102

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

Jennifer Smith

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2021/06/04

PRINT NAME

Anne Richmond

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2021/06/08

PRINT NAME

Charlie Schellinck

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2021/06/07