

Part C – Decision Under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Poverty Reduction (“ministry”) dated February 15, 2022, in which the ministry denied the appellant’s request for a crisis supplement for clothing.

The ministry was not satisfied that the need for clothing was unexpected or that failure to meet the expense would result in imminent danger to the appellant’s physical health.

Part D – Relevant Legislation

Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”)

Part E – Summary of Facts

The hearing was held by teleconference on March 14, 2022. The appellant did not attend the hearing. After confirming that the appellant had been notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

Evidence before the Ministry at the Reconsideration:

The appellant is in receipt of benefits under the Employment and Assistance for Persons with Disabilities Act (“EAPWDA”).

On January 10, 2022, the appellant requested a crisis supplement for jeans and t-shirts. The appellant said that he did not have money to buy those items “due to Christmas” and he needed them because of freezing temperatures.

On January 12, 2022, the appellant told the ministry that he had already purchased the clothing. The next day, he contacted the ministry to ask for reimbursement in the amount of \$30.

The appellant receives disability assistance of \$923.50, a shelter allowance of \$375 and a transportation supplement of \$52. In requesting a crisis supplement the appellant listed his expenses: food, \$800 rent, eye exam, arch support, car maintenance and cell phone bill. The shelter document on file shows monthly rent of \$460.

In his Request for Reconsideration, the appellant said that the cost of the clothing was \$31.50, but he was only asking for reimbursement of \$30. The appellant also said that he needed the crisis supplement because the purchase of his parent’s car for \$220 (rather than Christmas) was an unexpected expense.

Additional Evidence:

In the Notice of Appeal, the appellant stated that the clothing was purchased with his parent’s credit card.

The panel determined that the additional evidence was admissible under section 22(4) of the Employment and Assistance Act because it provides further information about the appellant’s resources, or lack of resources, and therefore is reasonably required for the full and fair disclosure of all matters relating to the decision under appeal.

Part F – Reasons for Panel Decision

The issue to be decided is whether the ministry was reasonable in its decision to deny the appellant a crisis supplement for clothing.

Legislation:

Under the EAPWDR section 57(1) the ministry may provide a crisis supplement if:

1. the supplement is needed to meet an unexpected expense or obtain an item unexpectedly needed;
2. there are no resources available to meet that need; and
3. failure to meet the expense or obtain the item will result in imminent danger to physical health.

The legislation requires all these criteria to be met. At the reconsideration, the ministry accepted that the appellant did not have the resources to meet the need for clothing. However, the ministry was not satisfied that the need for clothing was unexpected or that failure to buy the clothing would result in imminent danger to his physical health.

Appellant's Position:

As set out in the Reconsideration Decision, the appellant said that he needed jeans and t-shirts because of the freezing temperatures. He had bought his parent's car for \$220 and then used his resources for the other purchases and expenses he listed. As a result, he did not have money to buy the clothing he needed.

Ministry's Position:

The ministry said that the appellant was eligible for a crisis supplement if he met the criteria in s. 57(1) of the EAPWDR.

The ministry was satisfied that the appellant did not have the resources to meet the need for clothing.

However, the ministry was not satisfied that the need for clothing was unexpected, or that the car purchase was an unexpected expense that meant he did not have money to buy clothing. Nor was there information to show that any of the appellant's other expenses were unexpected.

The ministry also was not satisfied that failure to obtain jeans and t-shirts would result in imminent danger to the appellant's physical health.

The ministry noted that a crisis supplement is intended to meet unexpected needs to prevent imminent danger to physical health, not to augment monthly disability assistance.

Therefore, the ministry was not satisfied that the appellant's request for a crisis supplement met two of the criteria in section 57(1) of the EAPWDR.

Panel Decision:

The ministry has agreed that the appellant is eligible for a crisis supplement if the criteria in section 57(1) of the EAPWDR are met. The ministry accepted that the appellant did not have the resources to meet his need for clothing. Therefore, the panel must decide if the ministry was reasonable in deciding that the appellant had not met the remaining criteria for the crisis supplement:

1. that the item was needed unexpectedly, and
2. that failure to obtain the item would result in imminent danger to the appellant's physical health.

The panel finds that the need for clothing was not unexpected. The appellant said that he needed jeans and t-shirts because of freezing temperatures. However, the panel finds that cold weather in winter is foreseeable and not an unexpected situation that would meet the criteria in section 57(1). While the appellant says he has had other expenses, including a car purchase, there is no information to show that these expenses were unexpected.

The panel also finds that the appellant has not established that failure to obtain the clothing would result in imminent danger to his physical health.

Therefore, the panel finds that the ministry's decision to deny the appellant a crisis supplement for clothing because the EAPWDR requirements of unexpected need and imminent danger to physical health were not met, was a reasonable application of the legislation in the appellant's circumstances.

The appellant is not successful in the appeal.

Legislation:

Crisis supplement

Section 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)

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

Part H – Signatures

Print Name

Susan Ferguson

Signature of Chair

Date (Year/Month/Day)

2022/03/17

Print Name

Anil Aggarwal

Signature of Member

Date (Year/Month/Day)

2022/03/17

Print Name

John Pickford

Signature of Member

Date (Year/Month/Day)

2022/03/17