

### **Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (ministry) reconsideration decision dated March 3, 2022, which held that the appellant was eligible for a crisis supplement for the purchase of a bed (mattress and box spring) from community resources at a lower cost, pursuant to Section 4 of the *Employment and Assistance Act* (EAA) and Section 59 (1) of the *Employment and Assistance Regulation* (EAR).

The ministry determined that the appellant established that, pursuant to section 59 (1) of the EAPWDR, a crisis supplement for the purchase of a bed was necessary:

- to meet an unexpected need;
- that she has access to lower cost mattresses and box springs through community resources; and
- that failure to meet the expense of a bed or obtain a bed would result in imminent danger to his physical health.

The ministry approved the request for a replacement mattress and box spring but has denied the request by the appellant to purchase these items new, as they are available through community resources.

### **Part D – Relevant Legislation**

Employment and Assistance Act Section 4.

Employment and Assistance Regulation Section 59 (1).

## Part E – Summary of Facts

### Evidence at Reconsideration

1. Letter from the appellant's physician, dated February 3, 2022, which indicated that the appellant requires a new mattress and base to help with a recent back injury. Sleeping on a mattress that is placed on the floor exacerbates her lower back pain.
2. Request for Crisis Supplement – Clothing, dated January 25, 2022, which request funds for a mattress and box spring.
3. Request for Reconsideration, signed and dated February 11, 2022, which indicated, in part, the following:
  - The crisis supplement is for furniture.
  - The appellant's current mattress is from 2006.
  - The box spring broke and now the mattress is on the floor; causing the appellant to endure backpain.
  - The physician has recommended a bedframe with a mattress and box spring to provide proper support.
  - The pain experience takes away from time spent from her children.

### Evidence at Appeal

Notice of Appeal (NOA), signed and dated March 14, 2022, which stated that the appellant is a single mother with backpain problems. Her physician has recommended a new bed (mattress and box spring) after a recent injury.

### Evidence at the Hearing

At the hearing, the appellant reiterated the information stated in the RFR and NOA, and, in part, added the following:

- Given Covid-19 and the number deaths caused by it and the fact that a bed is supposed to be a place of rest and sleep, she does not want a used bed. A used bed would make her feel uneasy for these reasons.
- She has on-going back pain for which she takes medication.
- Her doctor has provided a note requesting a bed and bedframe.
- The ministry did not consider a bedframe.
- A mattress without a bedframe is not appropriate for her condition.
- She was forced to return to income assistance when her job became redundant by Covid-19.
- 2-3 weeks ago, she received a call from the ministry. The representative informed the appellant that she qualified for a new bed. The appellant has not heard back.
- In the past she did go through the process of providing quotes to the ministry. When her child needed a crib, the appellant submitted quotes to the ministry and received a crib.
- She was not given the option to submit quotes for a new bed.

At the hearing, the ministry relied on its reconsideration decision and added the following:

- The ministry has listed services providers throughout the province that it turns to first.
- If there is access to a lower cost or more economical item elsewhere, then the ministry will provide the item from there. A quote for the item must be provided.
- The ministry will always provide items at the most economical cost.
- In this case, the appellant did not provide quotes, therefore the ministry turned to one of its providers.
- Pursuant to policy, the ministry will provide up to \$125.00 for a mattress-box spring combination, \$50.00 for a bedframe, \$20 for frame legs, and \$45.00 for sheets or \$95.00 for a full bed set.

**Part F – Reasons for Panel Decision**

The issue at appeal is whether the ministry's decision, which denied the purchase of a new bed (mattress and box spring) because it determined that the expense could be met through community resources at a lower cost as required by Section 59 (1) of the EAPWDR, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

*The Appellant's Position*

The appellant's position is that she does not want a used bed from WRAGS because it is not hygienic, especially considering Covid-19.

*The Ministry's Position*

The ministry's position is that the ministry will pay for the most economical option whether that option is new or used. In this case, the mattress and box spring from a community resource is the most economical option.

*The Panel's Decision*

Section 59 (1) (a) of the EAPWDR states that the minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if the family unit or 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 ministry considers the failure to meet the expense or obtain the item will result in imminent danger to the physical health of a member of the family unit.

The ministry determined that the appellant met the criterion of unexpected need because her backpain was not expected, and that failure to obtain a bed would result in imminent danger to her physical health. Therefore, the panel will not provide an analysis of these criterion. The ministry also stated that the appellant's crisis supplement request dated January 25, 2022, did not include the request for a bedframe and that this request came in the RFR. As such a bedframe was not denied and the reconsideration decision did not include a discussion about a bedframe. The panel finds that the ministry was reasonable in its determination that the January 25, 2022 crisis supplement request did not explicitly include the request for a bedframe and as such a discussion of a bedframe could not be included in the reconsideration decision or considered by this panel.

The ministry also determined that the appellant does not have her own resources to meet her need for a mattress and box spring. However, if a lower cost mattress and box spring is purchased from a resource within the community the appellant's request meets the legislative requirements. The issue for the panel to consider is whether the ministry was reasonable in stipulating that it will only provide funds for a mattress and box spring from its community service provider.

The appellant has argued that with COVID-19 and since a bed is supposed to be a place of rest, a used mattress and box spring is not acceptable.

The legislation requires that, if all other criteria are met, ministry may provide a requested item if no resource are available to obtain the item. In this case, there is a resource available to the appellant by way of a community service provider that would enable her to purchase a mattress and box spring. The panel noted that the legislation does not specify that items provided by the ministry must new or used. It is then reasonable for the ministry to turn to its policy. The ministry stated that its policy is to provide the most economical item. The panel notes that typically the ministry is the last resort for a request to be met and if there are resources available in the community, it is reasonable for the ministry to require that

requestors exhaust those resources first. In this case, the panel finds that ministry was reasonable in its determination and its application of the legislation.

The ministry stated that it may consider items from non-community service provider partners if it has quotes and that at least one quote is a more economical choice than the community service provider. Though empathetic to the appellant's situation, the panel is not satisfied that the appellant was not given the option of providing quotes or that she was unaware that she could provide quotes. By the appellant's own admission, in the past she has successfully navigated this process by providing quotes to obtain a crib. The panel finds that the ministry was reasonable in its understanding of the evidence provided by the appellant.

Given the evidence as a whole, the panel finds that the ministry reasonably concluded that the appellant meets the legislative requirements as outlined in section 59(1) of the EAR if she purchases a mattress and box spring from the community service provider at a lower cost.

### **Conclusion**

The panel finds that the evidence establishes that the ministry was reasonable in its determination that all of the criteria set out in Section 59 (1) of the EAR have been met by the appellant if a bed (mattress and box spring) is purchased from community resources at a lower cost, was a reasonable application of the legislation and was reasonably supported by the evidence. The panel confirms the ministry's reconsideration decision.

The legislation is as follows:

### **Employment and Assistance Act**

#### *Income assistance and supplements*

4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

### **Employment and Assistance Regulation.**

#### *Crisis supplement*

59 (1)The minister may provide a crisis supplement to or for a family unit that is eligible for income 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, and
  - (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) and (6) Repealed. [B.C. Reg. 248/2018, App. 1, s. 2.]
- (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.

2022-0050

**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

Neena Keram

Signature of Chair

Date (Year/Month/Day)

2022/03/31

Print Name

Jan Broocke

Signature of Member

Date (Year/Month/Day)

2022/03/31

Print Name

Sameer Kajani

Signature of Member

Date (Year/Month/Day)

2022/03/31