

### Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (ministry) reconsideration decision dated April 21, 2022, which held that the appellant was eligible for a crisis supplement for the purchase of clothing, pursuant to Section 4 of the *Employment and Assistance Act* (EAA) and Section 59 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 clothing was necessary:

- to meet an unexpected need;
- that she has no resources to meet the need; and
- that failure to meet the expense of clothing or obtain clothing would result in imminent danger to his physical health.

However, the ministry found that the appellant did not meet the criteria of section 59 (4)(c) as she received a \$100.00 crisis supplement for clothing in December 2021 which is within 12-months of her current crisis supplement request.

### Part D – Relevant Legislation

Employment and Assistance Act Section 4.

Employment and Assistance Regulation Section 59.

**Part E – Summary of Facts****Evidence at Reconsideration**

1. Request for Crisis Supplement – Clothing, dated April 5, 2022, which request funds for clothing.
2. Request for Reconsideration, signed and dated April 5, 2022, which indicated, in part, the following about the appellant:
  - She needs proper clothing.
  - She has been unable to eat properly due to tooth pain which limits the food she is able to eat.
  - She is malnourished and has lost over 15-25 pounds.
  - Her clothing was recently stolen from the laundromat twice.
  - She is fleeing abuse.
  - She has tried to meet her need on her own, but the options available did not have shoes or clothing in her size.
  - She cannot afford to replace the clothing that has been stolen.
  - She has epilepsy and needs someone to assist her in getting to places that have free clothing.

**Evidence at Appeal**

Notice of Appeal (NOA), signed and dated April 30, 2022, which stated that the appellant was told by the ministry office that the last time she received help was February 2021.

The ministry provided a letter dated May 16, 2022, which stated that the appellant applied for a crisis supplement for clothing on December 23, 2021, and a \$100.00 cheque was issued and cashed on December 24, 2021.

**Admissibility of New Evidence**

A panel may consider evidence that is not part of the record as the panel considers is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

In this case, the panel determined that the appellant's NOA and the ministry's letter dated May 16, 2022 are admissible because the information in both documents allow for full and fair disclosure of all matters related to the issue on appeal. However, the panel notes that the ministry was able to provide verification (by way of cashed cheque) that the appellant had received a crisis supplement for clothing in December 2021. Therefore, the panel has placed more weight on the ministry's evidence.

**Part F – Reasons for Panel Decision**

The issue at appeal is whether the ministry's decision, which denied a crisis supplement for clothing because the appellant received a \$100.00 crisis supplement for clothing within the 12 months preceding the date of application for this current request, 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 was told by a ministry office that she last received help February 2021 and therefore her current request is not within a 12-month period of her last request.

*The Ministry's Position*

The ministry's position is that pursuant to section 59(4)(c) the appellant is not eligible for a crisis supplement for clothing because she received a \$100.00 crisis supplement for clothing in December 2021 which is within a 12-month period of the request dated April 5, 2022.

*The Panel's Decision*

Section 59(4)(c) stipulates that a crisis supplement for clothing of a maximum \$100.00 per member of the family unit can be issued once every 12-months. The ministry stated that the appellant received a \$100.00 cheque, which was cashed December 24, 2021, for her request for a crisis supplement for clothing dated December 23, 2021. The evidence indicates that the appellant's current request for a crisis supplement for clothing was dated April 5, 2022, which is within a 12-month period of her last request. The panel empathizes with the appellant and her situation but finds that pursuant to the legislation, the appellant's April 5, 2022 request for a crisis supplement for clothing comes within the 12-month period of her last request for the same and therefore she is not eligible for a crisis supplement for clothing at this time.

Given the evidence as a whole, the panel finds that the ministry reasonably concluded that the appellant does not meet the legislative requirements as outlined in section 59 of the EAR and therefore is not eligible for a crisis supplement for clothing.

**Conclusion**

The panel finds that the ministry's decision, that the appellant had not met all the criteria set out in Section 59 of the EAR, was a reasonable application of the legislation and was reasonably supported by the evidence. The panel confirms the ministry's reconsideration decision, and the appellant is not successful at reconsideration.

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

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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

Neena Keram

Signature of Chair

Date (Year/Month/Day)

2022/05/25

Print Name

Patrick Cooper

Signature of Member

Date (Year/Month/Day)

2022/5/25

Print Name

Effie Simpson

Signature of Member

Date (Year/Month/Day)

2022/05/25