

**Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision (the decision) dated 27 July 2022 where the ministry denied the appellant’s request for a crisis supplement for clothing under section 57 of the Employment and Assistance for Persons with Disabilities Regulation.

Specifically, the ministry determined the appellant was not entitled to a crisis supplement for clothing because he had received a crisis supplement for clothing within the previous 12 months.

**Part D – Relevant Legislation**

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

**Part E – Summary of Facts**

The evidence before the ministry at reconsideration included:

**Ministry Records**

- the appellant is a sole recipient of disability assistance;
- on January 26, 2022 the appellant received \$100 as a crisis supplement to buy clothing;
- on June 30, 2022 the appellant requested a crisis supplement to buy clothing;
- on June 30, 2022 the ministry denied the appellant's request because the ministry determined that the appellant had already received \$100 in crisis supplements to buy clothing in the previous 12 months and also determined this is the maximum that can be provided for a family unit in a 12 month period.

At the hearing, the panel reviewed the decision made by the ministry on July 27, 2022 as well as the Notice of Appeal filed by the appellant on July 28, 2022.

Upon questioning by the panel, the appellant confirmed that he had received a crisis supplement for clothing in January 2022.

The appellant also confirmed that he was a sole recipient of disability assistance and was not part of a larger family unit.

The appellant described his situation and outlined the series of events that resulted in his shoes being damaged and unusable. He stated that two times in the last three months he has purchased runners. His home has been broken into several times and his shoes were lit on fire. He needs new runners as a stop gap while he is waiting for orthotics. The appellant also stated the store that he needs to purchase the runners from doesn't accept third party cheques. His doctor wrote a letter stating the need for orthotics and so the appellant is asking the ministry to use the same letter to allow for the purchase of new runners, issuing the funds directly to him instead of the store.

He is hoping they could be replaced as their loss impacts his well-being.

During the hearing, no additional evidence was submitted by the appellant for further consideration.

The panel determined the additional information to be argument.

## Part F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision that determined the appellant is not eligible for a crisis supplement for clothing as per section 57 of the EAPWDR, was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Specifically, was it reasonable for the ministry to determine that the appellant was not eligible for a crisis supplement for clothing because he had received a crisis supplement for clothing within the past 12 months?

The appellant argues that his shoes have been damaged due to no fault of his own and are unusable. He does not have the funds for this unexpected expense and the lack of useable shoes greatly impacts his life.

Section 57 (1) of the EAPWD Regulation sets out that three criteria must be met for receipt of a crisis supplement:

1. The need for the item is unexpected or there is an unexpected expense;
2. There are no resources available to meet the expense or obtain the item needed;
3. Failure to obtain the item or meet the expense will result in imminent danger to your physical health or the removal of a child under the Child, Family and Community Service Act (CFCSA).

The ministry was satisfied that the damage to the shoes is an unexpected event, he does not have the resources otherwise, and there is an imminent threat to his physical health.

However, the ministry argues that a crisis supplement for clothing is allowed once in a twelve-month period and that the appellant received such a supplement on January 26, 2022, and would not qualify for an additional supplement for twelve months after this date.

### The Panel's Decision

EAPWDR Section 57 (4) (c) says that a crisis supplement for clothing "must not exceed ... \$100 for each person in the family unit in the 12 calendar months period preceding the date of application for the crisis supplement". The ministry determined that the appellant was ineligible for the clothing supplement in June 2022 as he had previously received it in January 2022, which is within the twelve-month period. The Panel notes that the appellant confirmed the receipt of a crisis supplement for clothing in January 2022.

The Panel considered the argument put forward by the appellant regarding his situation. However, the Panel finds that the appellant received the clothing supplement in January 2022. The Panel considered the requirements for crisis supplement eligibility and specifically the regulations relating to the twelve-month interval required prior to receiving the clothing supplement again.

The Panel finds that the ministry's decision that determined the appellant is not eligible for a crisis supplement for clothing under section 57 (4) (c) of the EAPWDR was reasonably supported by the evidence and was a reasonable application of the applicable enactment in the circumstances of the appellant. The ministry's decision is confirmed. The appellant is not successful in this appeal.

## APPENDIX A – APPLICABLE REGULATIONS

**EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION:  
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.

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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

Robert McDowell

Signature of Chair

Date (Year/Month/Day)

2022/08/18

Print Name

Connie Simonsen

Signature of Member

Date (Year/Month/Day)

2022/08/19

Print Name

Carmen Pickering

Signature of Member

Date (Year/Month/Day)

2022/08/19