

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated July 27, 2022 which held that the appellant was not eligible for a crisis supplement to purchase a mattress.

The ministry determined that a replacement mattress was an unexpected expense and that the failure to obtain a mattress would result in imminent danger to the appellant.

However, the ministry also determined that there were resources available to the appellant's family unit and therefore all the legislated requirements were not satisfied.

Part D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Regulation (EAPWDR), s. 57.

Part E – Summary of Facts

The information before the ministry at reconsideration included:

1. The appellant was eligible for disability assistance;
2. On or around June 14, 2022 the appellant's mattress split and it was causing him discomfort and interfered with his sleep;
3. On June 15, 2022 the appellant contacted the ministry to apply for a crisis supplement to purchase a replacement mattress and was informed that the request was received but that it was reasonable to expect the processing of the request to take five days;
4. On June 15, 2022 the appellant entered into a contract with a retail bed store to purchase a queen size mattress for \$701.10 (plus tax) and queen size mattress base for \$413.10 (plus tax) and a mattress protector for \$119.00 (plus tax). The appellant also paid a "recycle green fee" of \$31.50. The total amount of the sales order was \$1,412.68;
5. On June 15, 2022 the appellant's mother paid \$130.00 towards the sales order using a credit card;
6. On June 16, 2022 the appellant's mother paid \$1,282.68 towards the sales order using a credit card;
7. On June 16, 2022 the appellant informed the ministry that they had paid \$250 towards the mattress purchase and that \$300 was borrowed from a friend and that the appellant had to pay back that money;
8. On June 30, 2022 the ministry contacted the appellant and requested a copy of the receipt for the purchase of the mattress;
9. On July 8, 2022 the ministry determined that the appellant was not entitled to a crisis supplement and notified the appellant of that decision.

At the hearing, the appellant provided additional information which the panel determined was appropriate to admit under section 22(4) of the *Employment and Assistance Act* because the panel considers it reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

That information included:

1. The appellant initially intended to purchase a mattress that the retailer had advertised as costing \$500 but when they went to the retailer they were told that mattress was not in stock;
2. The appellant was told that the type of mattress they purchased (memory foam) required a box spring and that a new box spring was required by the warranty;
3. The appellant needs to repay the person who loaned them money; and
4. The amount of the requested crisis supplement was \$451.10 plus tax because the appellant had \$250.00 that they used to partially pay for the mattress.

At the hearing, the ministry informed the panel that there was no clear guidance regarding how to determine whether there were "resources available to the family unit". For example, the ministry could not confirm whether a person would be expected to sell personal property or get a high interest loan to meet an expense.

The ministry also stated that the ministry deals with some companies to directly purchase mattresses on behalf of eligible clients, but that was not relevant to the ministry's determination.

The ministry confirmed that it did not have any financial records, monthly budget or statement from the appellant detailing why there were no resources available to the family unit.

The ministry stated that because the appellant was able to purchase the mattress, plus a box spring and a mattress cover it was satisfied that there were resources available to the appellant to obtain a mattress.

Part F – Reasons for Panel Decision***Introduction***

The issue at appeal is whether the reconsideration decision dated July 27, 2022 which held that the appellant was not eligible for a crisis supplement was reasonably supported by the evidence or a reasonable application of the enactment in the appellant's circumstance.

Summary of The Relevant Legislation

Section 57 of the Employment and Assistance for Persons With Disabilities Regulation ("EAPWDR") permits the minister to provide a crisis supplement if specific criteria are met.

Those criteria are:

1. The applicant's family unit is eligible for disability assistance or hardship assistance;
2. The crisis supplement is required to meet an unexpected expense or obtain an item unexpectedly needed;
3. There are no resources available to the family unit to meet the unexpected expense or obtain the item; and
4. The failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit.

Were resources available to the family unit?

As stated earlier, the ministry determined that the appellant met all of the criteria except that there were no resources available to the family unit to meet the unexpected expense or obtain the item.

The Appellant's Position

At the hearing the appellant stated that there were no resources available to the family unit and that they had to get a loan from a family friend. The appellant also said that they needed to pay back the money they had borrowed.

The Ministry's Position

The ministry's position was that there were resources available to the appellant as demonstrated by the purchase of a mattress, a box spring and a mattress pad. The ministry also indicated that there may have been a less expensive alternative to the mattress the appellant purchased and that, had a less expensive mattress been purchased, the appellant would have had the resources available.

The Panel's Decision

The panel noted that the mattress, box spring and mattress pad were paid for with the appellant's mother's credit card. The appellant's mother is not a member of the appellant's

family unit and consequently the fact that she had credit available on her credit card is not necessarily proof that there were resources available to the family unit.

However, the appellant did not provide any information regarding what resources were available to their family unit. As examples, the appellant did not provide bank statements, a summary of expenses, a list of assets available to them, or a list of their existing debt.

It was agreed that the appellant was able to acquire a new mattress, box spring and mattress pad. Consequently, in the absence of any information from the appellant about the resources available to them the panel finds the ministry's determination that there were resources available to the appellant's family unit was reasonably supported by the evidence.

Conclusion

The panel confirms the ministry decision.

Extracts of the Relevant Legislation

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*.

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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

Trevor Morley

Signature of Chair

Date (Year/Month/Day)

2022/08/22

Print Name

Melissa McLean

Signature of Member

Date (Year/Month/Day)

2022/08/22

Print Name

Rick Bizarro

Signature of Member

Date (Year/Month/Day)

2022/08/22