

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision, dated July 21, 2022 (the “Reconsideration”), in which the Ministry determined that the Appellant was not eligible for a crisis supplement for shoes because the Appellant had not satisfied the Ministry that the need for shoes was unexpected, which is one of the requirements for crisis supplements under section 57 of the *Employment and Assistance for Persons with Disabilities Regulation* (“EAPWDR”).

Part D – Relevant Legislation

EAPWDR, section 57

Part E – Summary of Facts

The Appellant is a recipient of disability assistance and, although not specifically set out in the Reconsideration, the monthly amounts received by the Appellant for support and shelter allowance are consistent with the Appellant being a sole recipient of disability assistance.

The information before the Ministry at the time of Reconsideration included the following:

- The Appellant’s Request for Reconsideration, which was dated “2022-07” (the “RFR”), which included a handwritten note setting out the following:
 - The Appellant had fallen on a curb, resulting in a shoulder injury;
 - The Appellant subsequently suffered three additional falls in which the Appellant was knocked unconscious;
 - The Appellant believes that one more fall will result in a coma, precluding the Appellant from having a chance to live a normal life;
 - The Appellant had been in a coma for three years while suffering from liver cancer; and
 - The Appellant had also suffered from “walking pneumonia.”

In the Notice of Appeal, dated July 29, 2022 (the “Notice of Appeal”), the Appellant described a flood in his room and having attempted to access other resources but none were available.

The Appellant did not attend at the hearing of the appeal. After confirming that the Appellant had been notified, in writing, of the date and time of the hearing and waiting for a reasonable period of time for the Appellant to join the teleconference, the hearing of the appeal proceeded in the absence of the Appellant, pursuant to section 86(b) of the *Employment and Assistance Regulation*.

The Ministry relied on the Reconsideration and submitted that while the Appellant did provide some additional information in the RFR, the Appellant had not adequately demonstrated how the criteria that the need for shoes was unexpected had been met. The Ministry stated that while the flood, described in the Notice of Appeal was probably unexpected, the information in the Notice of Appeal still did not demonstrate how the need for shoes, specifically, was unexpected in the absence of further information.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry was reasonable in determining that the Appellant was not eligible for a crisis supplement for shoes because the Appellant had not satisfied the Ministry that the need for shoes was unexpected, as required under section 57 of the EAPWDR.

Panel Decision

Section 57 of the EAPWDR authorizes the Ministry to issue a crisis supplement where specific criteria are met.

The criteria that must be met for a recipient of disability assistance to be eligible for a crisis supplement are as follows:

- The recipient's family unit must be eligible for disability or hardship assistance;
- The supplement must be required to meet an unexpected expense or to obtain an item unexpectedly needed;
- The family unit must be unable to meet the expense or obtain the item because there are no resources available to the family unit; and
- Failure to meet the expense or obtain the item will, in the consideration of the Ministry, result in:
 - Imminent danger to the physical health of a person in the family unit; or
 - Removal of a child under the *Child, Family, and Community Service Act*.

In the case of the Appellant the Ministry determined that the Appellant had met all of the required criteria except for demonstrating that the supplement was required to meet an unexpected expense or to obtain an item unexpectedly needed.

In this case, the Appellant's request was for a supplement to pay for shoes. In the RFR, the Appellant described experiencing a number of significant health issues but there was no explanation as to how this related to a need for shoes or a need for a supplement to pay for shoes.

In the Notice of Appeal, the Appellant described having a flood in his room, which the Ministry conceded was likely unexpected. However, there was, again, no explanation from the Appellant as to how that related to needing a crisis supplement to pay for shoes. In fact, there was no indication in the Notice of Appeal that the Appellant's shoes had been damaged in the flood. In view of the lack of evidence indicating how the need for shoes was unexpected, the panel finds that the Ministry was reasonable in its determination that the Appellant had not satisfied all of the criteria set out in section 57 of the EAPWDR.

The Appellant is not successful in the appeal.

Relevant Legislation

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) and (6) Repealed. [B.C. Reg. 248/2018, App. 2, 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.

[am. B.C. Regs. 13/2003; 248/2018, App. 2; 270/2019, App. 2, s. 14.]

2022-0178

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

Adam Shee

Signature of Chair

Date (Year/Month/Day)

2022/August/24

Print Name

Kulwant Bal

Signature of Member

Date (Year/Month/Day)

2022/August/24

Print Name

Robert McDowell

Signature of Member

Date (Year/Month/Day)

2022/August/24