

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision, dated December 6, 2022 (the “Reconsideration Decision”), in which the Ministry determined that the Appellant was not eligible for a crisis supplement for clothing.

In particular, the Ministry was not satisfied failure to obtain the items would result in imminent danger to the Appellant’s physical health which is required by section 59 of the *Employment and Assistance Regulation* (“EAR”).

Part D – Relevant Legislation

EAR- Section 59

Part E – Summary of Facts

The Appellant is a sole recipient of income assistance.

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

- Integrated Case Management Decision Report, dated October 20, 2022, which rejected the Appellant’s application because that the request for a clothing supplement did not meet several criteria of section 59, including that the clothing request was to meet an unexpected expense or to obtain an item unexpectedly needed and that there were no resources available to the Appellant to meet the expense or to obtain the clothing item;
- the Appellant’s Request for Reconsideration, dated November 9, 2022 (the “RFR”), which included:
 - copies of the Appellant’s banking history for the months of August to October, 2022;
 - a copy of a bank draft (the “Draft”) in the amount of \$1,200.00 from the Appellant; and
 - handwritten notes in which the Appellant stated that:
 - she needed an extension to get a copy of money order payable for rent from her bank;
 - on October 7, 2022, she received her income assistance cheque, deposited it, and got a money order for \$1,200.00 to pay rent;
 - later on October 7, 2022, she lost her bag with traffic control gear, house keys, ID, wallet, the money order for rent and \$100.00 cash;
 - she subsequently signed what was described as a promissory note to the bank to get a new money order for rent; and
 - she was requesting \$100.00 under section 59(4)(c), having lost traffic control pants, traffic control vest, traffic control shirt, and a radio.

In the Appellant’s Notice of Appeal, the Appellant wrote that the appeal was being filed because all of the evidence was not before the Ministry at the time of the Reconsideration Decision, including the record confirming that the Draft had been lost. The Appellant included the indemnity agreement with her bank (the “Indemnity”) relating to the lost draft with the Notice of Appeal.

At the hearing, the Appellant clarified that the clothing that had been taken was not required for a traffic control job but for volunteer work that she does helping a local First Nations band with traffic control during funeral services. The work is available generally when she is requested by the family of the deceased person and involves managing traffic for various phases of the funeral over a period of several days. To be eligible to hold this position, the Appellant required approval from the elders. The Appellant does not get formally paid for this work but may receive tokens of gratitude from the family of the deceased persons for the services that she performs at the funerals. The Appellant stated that she is involved in providing these services for about four funerals per month. The Appellant also works full-time night shifts at a local supermarket and

performs cleaning work for the landlord of the building in which the Appellant lives, evidencing an admirable work ethic and corroborating the Appellant's evidence that she is rarely in receipt of income assistance. The Appellant described having difficulties with the Ministry of Children and Family Development in respect of her children.

The Appellant stated that she was aware of what she described as a clothing allowance of \$100.00 per year which is the maximum amount payable in a calendar year by the Ministry for a crisis supplement in respect of clothing. The Appellant stated that the clothing was required for her safety during the volunteer work at the funerals and that without it, she would be in danger of not being seen.

At the hearing, the Ministry noted that, even in circumstances where it would like to help, it is nevertheless constrained by its legislation. The Ministry noted that there was no clothing allowance, as described by the Appellant, in the legislation and noted that the EAR does provide the Ministry with the authority to pay a crisis supplement for clothing of up to \$100.00 per calendar year where the criteria of section 59 of the EAR are met.

In this case, the Ministry found that the Appellant had met the criteria under section 59 other than the requirement that failure to obtain the item or meet the expense would result in imminent danger to the Appellant's physical health or removal of a child under the *Child, Family and Community Service Act*.

The Ministry stated that because the clothing was used for volunteer work and was not, for example, everyday winter clothing that the Appellant needed regularly to protect from cold, its loss and the failure to obtain it would not result in imminent danger to the Appellant's physical health.

The panel admits the evidence given at the hearing of the appeal and the Indemnity as evidence that is not part of the record but reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably determined that the Appellant was ineligible for a crisis supplement for clothing because the Appellant had not satisfied the Ministry that failure to obtain the clothing item would result in imminent danger to the Appellant's physical health.

Panel Decision

Section 59 of the EAR requires all of the following criteria to be met for the Ministry to be able to issue a crisis supplement:

- a family unit must be eligible for income assistance;
- the family unit must require the supplement 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
- the family unit must satisfy the Ministry that 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; or
 - removal of a child under the *Child, Family and Community Service Act*.

In this case it was only the final criteria that was not met by the Appellant. The Appellant was up front about the fact that the clothing for which she was seeking the crisis supplement was used exclusively for volunteer work. The clothing was not her everyday outdoor winter clothing. While the Appellant makes a valid point that the clothing likely made her volunteer work safer for her, and her volunteer work is highly commendable, it's volunteer work and not something that the Appellant is necessarily required to do. The Appellant can minimize any danger to her physical health as a result of not having the traffic control clothing by not performing that work until the Appellant could secure new clothes by other means such as, for example, personal savings.

In view of the foregoing, the panel finds that the Ministry's application of criteria set out in section 59 of the EAR to the Appellant's circumstances was reasonable.

The Appellant is not successful in this appeal.

Relevant Legislation

Section 59 of the EAR authorizes the Ministry to pay crisis supplements and describes the eligibility criteria for crisis supplements:

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.

2022-0313

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)

2023/01/29

Print Name

Inge Morrissey

Signature of Member

Date (Year/Month/Day)

2023/01/26

Print Name

Margarita Papenbrock

Signature of Member

Date (Year/Month/Day)

2023/01/27