

### **Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "Ministry") Reconsideration Decision of October 10, 2023. In the Reconsideration Decision the Ministry determined that the appellant was not eligible for a crisis supplement to purchase a mattress and bedding.

The Ministry found that the appellant had satisfied 3 of the 4 criteria for a crisis supplement:

- required to meet an unexpected expense,
- there are no resources available to the family unit, and
- 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.

However, the Ministry found that the appellant did not meet one criterion:

- a family unit that is eligible for disability assistance or hardship assistance.

### **Part D – Relevant Legislation**

- Employment and Assistance for Persons with Disabilities Act, Interpretation 1(1) "disability assistance"; "hardship assistance" (the Act)
- Employment and Assistance for Persons with Disabilities Regulation, Definitions and Section 57 (the Regulation)

## Part E – Summary of Facts

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

- Four pages of information on the health benefits of a quality mattress.
- Screen prints showing the cost for three options for mattress and bedding.
- Screen prints showing the balance of the appellant’s chequing and saving accounts.
- Request for Reconsideration, in which the appellant provides the chronology of events:
  - Sept 13 – Applied for “Furniture Crisis”
  - Sept 18 – Called to follow-up. Told “will send me a message to my inbox and if I can respond to that message with 2 quotes from different places which include a double mattress, 2 pillows and pillowcases, bedding and a blanket/duvet.” Did that and in addition to that, researched and wrote specifically why the need for a mattress and explained in detail with urgency.
  - Sept 19 - Contacted ministry and was told “not a problem it looks good, and a worker will be looking at it very soon and it should be put through very soon.”
  - Sept 20 – Called for update and told, "You are not eligible for PWD support or shelter benefits, so you are not eligible for any crisis supplements."
  - The appellant also comments: “It states on my file ‘You are currently receiving Disability Assistance under the Employment and Assistance Persons with Disabilities Act.’ Also, when I print the Assistance confirmation it says that I am receiving Support and Shelter.”

At the Hearing:

- In answer to a Panel question, the appellant stated that he went on EI disability in March 2023 and was on it until November 2023. During this time, he received \$1,164 every two weeks.
- The appellant indicated he is receiving the \$54 / month transportation allowance.
- The Ministry
  - confirmed the appellant’s income as \$2522 when adjusted to a monthly rate.
  - stated that the transportation allowance or bus pass is available via a different fund and is not under the PWD umbrella of services.
  - stated that, in addition to exceeding the monthly income threshold, the appellant also reached the annual earned income threshold in July 2023.

### Admissibility of New Evidence

The Ministry did not object to the new information submitted by the appellant.

The appellant did not object to the new information submitted by the Ministry.

Under section 22(4) of the *Employment Assistance Act* the Panel admits these statements expressed as fact as testimony, and thus as evidence that is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

**Part F – Reasons for Panel Decision**

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "Ministry") Reconsideration Decision of October 10, 2023. In the Reconsideration Decision the Ministry determined that the appellant was not eligible for a crisis supplement to purchase a mattress and bedding because he was not eligible for or receiving disability assistance or hardship assistance.

The issue before the panel is whether the Ministry's decision, that the appellant was not eligible for a crisis supplement for a replacement mattress and bedding, was reasonably supported by the evidence or a reasonable application of the legislation. That is, was the Ministry reasonable when it decided that the appellant was not eligible for disability assistance or hardship assistance.

Both parties agree that the appellant had satisfied 3 of the 4 criteria for a crisis supplement:

- required to meet an unexpected expense.
- there are no resources available to the family unit.
- 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.

Because these criteria are not in dispute, they will not be addressed further in following analysis.

Section 57 of the Regulation says:

The minister may provide a crisis supplement to or for a family **unit that is eligible for disability assistance or hardship assistance** if ... (emphasis added)

Section 1 of the Act defines disability assistance as:

an amount for shelter and support provided under section 5 [*disability assistance and supplements*]

**Ministry Position**

At the time of the application, the appellant was receiving employment insurance in an amount that exceeded the rate of disability assistance payable to his family unit which made him ineligible for disability assistance and hardship assistance. Because the appellant was not eligible for disability assistance or hardship assistance, the ministry had no choice but to deny his request for a crisis supplement.

**Appellant Position**

The ministry's first response was "Yes, gather a quote for us". I took the time and effort to provide proper research for the importance of this equipment. The 2<sup>nd</sup> worker said they had received the quote, it looked good, they would approve it and let me know. Then,

when I didn't hear and followed up, I was told it was rejected. When I access my file online, it says that I am eligible and am receiving assistance. I am receiving support in the form of the \$54 / month transportation allowance. The Ministry should not have a limit if someone is truly in crisis, as I am.

**Panel Finding*****Analysis***

The Regulation allows the Ministry to provide a Crisis supplement only if the family unit is eligible for disability assistance or hardship assistance. Income level is a criterion for eligibility, both on a monthly and annual basis. The appellant does not dispute that the level of his income has exceeded the annual earned income threshold and is higher than the monthly unearned income threshold. The only assistance he has identified as receiving is the transportation allowance. However, the transportation allowance is not a shelter or support allowance and therefore it is neither disability assistance nor hardship assistance and does not indicate eligibility for either. The legislation does not provide the Ministry with any flexibility to provide a crisis supplement if the family unit does not meet the specific criteria.

***Conclusion***

While the communication by the Ministry is unfortunate, the panel finds that the decision that the appellant was not eligible for a crisis supplement for a replacement mattress and bedding was a reasonable application of the legislation. The panel, therefore, confirms the Reconsideration Decision and the appellant's appeal is unsuccessful.

## Appendix A – Applicable Legislation

### Employment and Assistance for Persons with Disabilities Act

#### Interpretation

1 (1) In this Act:

...

"**disability assistance**" means an amount for shelter and support provided under section 5 [*disability assistance and supplements*];

...

"**hardship assistance**" means an amount for shelter and support provided under section 6 (1) [*hardship assistance*];

### Employment and Assistance for Persons with Disabilities Regulation

#### Definitions

1 (1) In this regulation:

"**unearned income**" means any income that is not earned income, and includes, without limitation, money or value received from any of the following:

...

(g) employment insurance;

...

#### 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

**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

Wes Nelson

Signature of Chair

Date (Year/Month/Day)

2023/11/29

Print Name

Kevin Ash

Signature of Member

Date (Year/Month/Day)

2023/11/29

Print Name

Bob Fenske

Signature of Member

Date (Year/Month/Day)

2023/11/29