

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated October 23, 2023, which determined the appellant was not eligible for a crisis supplement for clothing for October 2023, because he was not eligible for income assistance.

Part D – Relevant Legislation

Employment and Assistance Act (Act), section 4

Employment and Assistance Regulation (Regulation), sections 1, 10 and 59

Relevant sections of the legislation can be found in the Schedule of Legislation at the end of this decision.

Part E – Summary of Facts**Summary of Relevant Evidence**Evidence Before the Ministry at Reconsideration

Ministry records indicate the appellant receives \$702.74 monthly in Canada Pension Plan (CPP) benefits.

Request for Clothing Supplement (October 1, 2023)

The appellant submitted that his clothes were stolen, and he had no footwear or a jacket for rain and colder weather. He estimated that he needed \$300.00 to meet his needs. He also stated that if he is not able to purchase the items it will result in imminent danger to his physical health as he is not able to walk; he is using a size 7.5 shoe when he normally wears size 11. In addition, he is freezing at night and is suffering from a consistent cough.

Ministry Integrated Case Management Decision Report (October 6, 2023)

The report states the appellant is “not eligible” as the costs incurred (for the crisis supplement request) were not incurred while the family unit was on assistance.

Request for Reconsideration (October 26, 2023)

The appellant states he submitted his monthly report claiming \$527.00 in CPP benefits.

Evidence Received after the Reconsideration Decision**Notice of Appeal (November 27, 2023) - summary**

The appellant states with \$527.00/month he is slowly dying (no food, cold, can't walk, people beating him).

At the hearing, the appellant stated he submitted his income assistance report in September 2023 for October 2023, online, and claimed \$527.00 (CPP net income). He added that he received inconsistent information from the ministry as to what was required and was asked to repeatedly re-submit his monthly report, claiming his income. In addition, the appellant stated that he is now receiving a \$500.00/month housing allowance.

At the hearing, the ministry stated that the appellant did submit his monthly report for October 2023. The previous information that stated the appellant failed to file his report was incorrect. The reason he was not eligible for income assistance was because the

\$702.74. (CPP benefit income, which included a garnished amount) was greater than the \$635.00 he would have received in income assistance and therefore no income assistance was payable for October 2023. As no income assistance was payable for October 2023, the appellant was not entitled to receive a crisis supplement for October 2023. The ministry stated this decision was based on ministry policy.

The ministry added that the CPP information was received by the ministry through a data match with the federal government.

In addition, the ministry clarified that although it references section 59(1) of the Employment and Assistance for Persons with Disabilities Regulation in its decision, the actual legislation applied was section 59(1) of the Employment and Assistance Regulation.

Admissibility

Neither the ministry nor the appellant objected to the additional information provided at the hearing.

The panel determined the additional information is reasonably required for a full and fair disclosure of all matters related to the decision under appeal. The ministry corrected its reason for denial in its reconsideration decision and provided details for the denial (i.e. amount of CPP and income assistance). The appellant confirmed that he complied with his reporting obligations. The additional information is admissible under section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

Issue on Appeal

The issue on appeal is whether the ministry's reconsideration decision was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Specifically, did the ministry reasonably determine the appellant was not eligible for a crisis supplement because he was not eligible for income assistance.

Appellant's Position

The appellant argues his clothes were stolen, and he has no footwear or a jacket for rain and colder weather.

He states he submitted his income assistance report for October 2023 and claimed \$527.00. However, he has received inconsistent information from the ministry as to what was required and was asked to re-submit his monthly report.

Ministry's Position

The ministry argues that the appellant is not eligible for income assistance for October 2023. Although he did submit his monthly report for October 2023, the \$702.74 in CPP monies was greater than the \$635.00 he would have received in income assistance. Therefore, as no income assistance was payable for October 2023, the appellant was therefore in turn not eligible for a crisis supplement.

The ministry states the appellant has demonstrated he had unexpected expenses, has indicated he has no resources to meet his need, requires a crisis supplement to obtain proper clothing to avoid imminent danger to his physical health and the amount falls within the monetary limits in the Regulation.

However, since his request does not meet all the criteria under section 59(1) of the Regulation, he is not eligible for the requested crisis supplement.

Panel Analysis

Section 4 (Act) - income assistance and supplements

Section 4 states, subject to the regulations, the minister may provide income assistance or a supplement for a family unit that is eligible for it.

Sections 1 and 10 (Regulation) – limits on income

Although the ministry stated it based its decision regarding the application of the CPP benefits and eligibility for income assistance on ministry policy, the panel notes the Regulation also speaks to income and assistance eligibility.

Section 1 of the Regulation includes CPP benefits as income and section 10 states, "income", includes an amount garnished from the income of a recipient and also states a family unit is not eligible for income assistance if the net income exceeds the amount of income assistance.

The panel finds the \$702.74 amount in CPP benefits, provided to the ministry in the data match, is considered income as per section 1 of the Regulation – includes the \$527.00 net CPP claimed by the appellant and a garnished amount.

Therefore, the panel finds the ministry reasonably determined that the \$702.74 CPP benefits is considered income, and is greater than the \$635.00 the appellant would have received in income assistance in October 2023. Therefore, the panel also finds the ministry reasonably determined the appellant is not eligible for income assistance for October 2023.

Section 59 (Regulation) – crisis supplement

Section 59(1) states the minister may provide a crisis supplement for a family unit that is eligible for income assistance and section 59(2) states that a crisis supplement may be provided only for the calendar month in which the application for the supplement is made.

The panel notes the Request for Clothing Supplement is dated October 1, 2023. As the panel determined that the appellant was not eligible for income assistance for October 2023, the panel finds the ministry reasonably determined he was also not eligible for a crisis supplement, as per section 59 of the Regulation.

Conclusion

As all the criteria under section 59(1) of the Regulation must be met, the panel finds the ministry decision that determined the appellant is not entitled to a crisis supplement for clothing, was a reasonable application of the legislation in the circumstances of the appellant.

The appellant is not successful on appeal.

Schedule of Legislation

Employment and Assistance Act

Income assistance and supplements

4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance Regulation

Part 1 — Interpretation

Definition

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

(f) any type or class of Canada Pension Plan benefits;

Limits on income

10 (1) For the purposes of the Act and this regulation, "income", in relation to a family unit, includes an amount garnished, attached, seized, deducted or set off from the income of an applicant, a recipient or a dependant.

(2) A family unit is not eligible for income assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of income assistance determined under Schedule A for a family unit matching that family unit.

Crisis supplement

59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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 ...

(2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made...

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:...

(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.

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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
Connie Simonsen

Signature of Chair

Date (Year/Month/Day)
2024/01/13

Print Name
Bill Haire

Signature of Member

Date (Year/Month/Day)
2024/01/13

Print Name
Carmen Pickering

Signature of Member

Date (Year/Month/Day)
2024/01/13