

Part C – Decision Under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the “Ministry”) dated January 24, 2024 that denied the Appellant’s request for a crisis supplement to purchase food. The Ministry determined that the Appellant’s request did not meet all the required criteria set out in section 57(1) of the *Employment and Assistance Regulation*. Specifically, the Ministry determined that the medication purchased was no longer an unexpected expense.

The Ministry found that the Appellant met all other criteria.

Part D – Relevant Legislation

Section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (the “*Regulation*”).

Part E – Summary of Facts

The evidence before the Ministry at reconsideration consisted of the following:

1. From the Ministry's files, as set out in the Ministry section of the Appellant's Request for Reconsideration and in the reconsideration decision:

i) A Request for Reconsideration (RFR) signed by the Appellant on January 11 in which the Appellant states that she must pay for medication and does not have enough money to buy food, she is requesting \$50, and she does not have enough money on hand or in a bank account to buy food.

ii) Background:

- The Appellant is a sole recipient of disability assistance.
- The Appellant receives \$1708.50 per month for disability assistance and supplements. This amount includes \$983.50 for a support allowance, \$500 for a shelter allowance, and \$225 for supplements. In addition, she receives \$454.55 for Canada Pension Plan which is deducted from her disability assistance. \$20.00 is deducted from her disability assistance every month to pay back the money she borrowed for her security deposit and/or pet damage deposit.
- The Appellant pays \$1387.50 in rent each month.
- On November 14, 2023, the Appellant received a \$50 crisis supplement for food. The Appellant had to pay for medication that is not covered under special authority which used up money she would have spent on food.
- On December 27, 2023, the Appellant received a \$50 crisis supplement for food. She had to pay \$250 for medication after learning it was not covered.
- On January 11, 2024, the Appellant requested a crisis supplement for food reporting she must pay for medication and therefore does not have enough money to pay for food. The Appellant requires \$50 for food. The Appellant states that she does not have any resources to pay for food and will starve if she does not receive this. A receipt for \$250 at a pharmacy was submitted.

- On January 16, 2024, the Ministry worker reviewed the Appellant's request for a crisis supplement for food and determined the Appellant is not eligible for the supplement because she did not meet all criteria. The Ministry worker then reported the Appellant had requested a crisis supplement for food in November and December for the same reason of medications being expensive. This was the third request for the same reason. The Appellant's expenses are ongoing now. Also, the Appellant's medications are covered by extended medical insurance. The Appellant submitted the same receipt for December and January crisis supplements for food.
- On January 16, 2024, the Appellant submitted a request for reconsideration. The Appellant submitted a receipt for \$23.79 at London Drugs. The receipt does not indicate what was purchased for that price. The Appellant wrote: "I do not have money to feed myself or for any food. I have exhausted all other avenues and I have a serious illness which requires nutrition to function and survive. I had to pay for medication that is not covered. Now I don't have money to pay for food. This was unexpected therefore I require 50\$ to get groceries which is my basic human right. I will starve if I don't get help. This will be very detrimental to my health."
- In her Appeal Notice, filed on January 28, 2024, the Appellant states the following as her grounds for appeal, *"I'm Ozempic is not covered and the cost is \$260 every month also no special authority coverage either. Also unexpected pharmacy expenses which take money out of my disability which leads to no money for food! I have applied countless times for help with zero help from you"*.

Evidence Presented at the Appeal

The Appellant stated that:

- She had applied for a crisis food supplement because she has been prescribed a medication, not covered by pharmacare or Blue Cross, that costs \$260 per month.
- Her rent is \$943 per month. She has other expenses such as utilities and food. The total is \$1387.50.
- After paying her rent and other expenses she does not enough money to pay for the medication that is not covered by pharmacare or Blue Cross.
- Her health prevents her from working.

The Ministry representative stated that:

- The Appellant has applied for a crisis food supplement on two prior occasions and that it is the policy of the Ministry that after two applications for the supplement the need is no longer considered unexpected.

Admissibility of New Information

The panel finds that the information provided by the Appellant and the Ministry on appeal and at the hearing is reasonably required for a full and fair disclosure of all matters related to the decision under appeal, as it contributes to the panel's understanding of the circumstances surrounding the Appellant's request for a crisis supplement for food. The panel therefore admits this information as evidence pursuant to section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

Issues on Appeal

The issue in this appeal is whether the Ministry's decision to deny the Appellant a crisis supplement for food was a reasonable application of the legislation.

Section 57(1) of the *Regulation* only enables the ministry to provide a crisis supplement if all the following eligibility criteria are met:

- The family unit is eligible for disability assistance or hardship assistance;
- The need for the item is not expected or there is an unexpected expense;
- There are no resources available; and
- Failure to obtain the item or meet the expense will lead to imminent danger to your physical health or a child being removed under the Child, Family and Community Service Act.

The Ministry has indicated they are satisfied the criteria have been met, except for the expense being unexpected. The Ministry's policy is that after two months of such repeated expenses, adjustments should be made to budget for the recurring expense.

Panel Decision

The panel finds that the Ministry policy of considering a recurring expense not to be unexpected after two months is reasonable.

The prescription medication is ongoing and should be factored into monthly expenses. The Appellant had been given a supplement in November and December 2023 as a bridge and that this is only a temporary and exceptional form of assistance. In view of the regularity of the medical expense, the panel finds that it is no longer an unexpected circumstance and as such does not qualify under the relevant legislation.

Conclusion

The panel finds that the Ministry's decision to deny the Appellant a crisis supplement for food was reasonably supported by the evidence and a reasonable application of the legislation in the circumstances of the Appellant.

The Ministry's reconsideration decision is confirmed, and the Appellant is not successful on appeal.

Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation, BC Reg 265/2002

Crisis supplement

- 57** (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, the maximum set out in section 4 of Schedule A and any supplements provided under section 56.2 [*pre-natal shelter supplement*] or Division 8 [*Housing Stability Supplement*] of Part 5 of this regulation, or

(B)the maximum set out in Table 1 of Schedule D, the maximum set out in Table 2 of Schedule D and any supplements provided under section 56.2 or Division 8 of Part 5 of this regulation,

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.

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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

Richard Franklin

Signature of Chair

Date (Year/Month/Day)

2024/02/16

Print Name

Wesley Nelson

Signature of Member

Date (Year/Month/Day)

2024/02/16

Print Name

Anil Aggarwal

Signature of Member

Date (Year/Month/Day)

2024/02/16