

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

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision (the “Decision”) dated January 19, 2024, which denied the Appellant a crisis supplement for clothing.

Specifically, the Ministry determined that the Appellant did not meet the eligibility criteria set out in the Employment and Assistance for Persons Regulation Section 59 (4)(c).

### **Part D – Relevant Legislation**

*Employment and Assistance Act* Section 4 (the “Act”)

*Employment and Assistance Regulation* Section 59 (the “Regulation”)

These are provided at the end of this document.

**Part E – Summary of Facts**

Evidence before the Ministry at reconsideration

Ministry records indicate the Appellant is a recipient of income assistance.

The Appellant was approved for a crisis supplement for clothing of \$110 on November 2, 2023.

The Appellant applied for further crisis supplement for clothing on January 2, 2024, stating that she had been unexpectedly moved out of her home and was unable to access her clothing. The Appellant added that they were in imminent danger and had no money or resources.

The Ministry denied the second crisis supplement request on January 4, 2024, stating that the Appellant had received the maximum of \$110 for a crisis supplement for clothing within the previous twelve months.

The Appellant requested a reconsideration of this denial, stating “it’s been so cold I haven’t been able to leave my place cuz I only got sweaters...it would help me out so much to get a jacket and some gloves...”.

Evidence received after the Decision

The Appellant submitted a Notice of Appeal, received on January 29, 2024, stating that they “had been thru a lot of trauma in my days [which] has caused me to have extreme Anxiety” and that they suffered from what they described as “cognitive function impairment”. They also state they would attach a letter with additional forms, although that is not included.

The Appellant was not in attendance at the hearing. The hearing was delayed while contact was attempted. The panel confirmed that notices of the hearing were provided to the Appellant’s email and address by post, and both methods had confirmations of delivery. A family member of the Appellant’s had also been contacted and advised of the scheduled hearing.

After a 15 minute delay, the panel determined that the hearing would proceed without the Appellant as permitted by Section 86(b) of the Regulation.

## **Part F – Reasons for Panel Decision**

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 that the Appellant was not eligible for a crisis supplement for clothing because they received one within the previous twelve months.

### Appellant’s position

The Appellant argues that they can not access their belongings and they need a coat in the cold weather.

They do not dispute the fact that they received a crisis supplement for clothing in November 2023 and adds that they were “robbed of literally everything I own!!”.

### Ministry’s position

The Ministry stated that in order to obtain a crisis supplement, the criteria in Section 59 (1) and 59(4)(c) of the Regulation must be met.

The Ministry outlined the criteria set out in Section 59(1) of the Regulation as follows:

1. You must be eligible for income or hardship assistance; and,
2. The requested item must be required to meet an unexpected expense, or to obtain and item unexpectedly needed; and,
3. You have no resources available to you to obtain the item on your own; and
4. Failure to provide the item will result in imminent danger to your or your family’s physical health.

The Ministry determined that the above four criteria were met.

The Ministry outlined that there is a maximum amount permitted to be given as a crisis supplement for clothing under Section 59(4)(c) of the Regulation as follows:

A crisis supplement provided for clothing must not exceed \$110 for each person in the family unit, in the 12-calendar month period preceding the date of application for the crisis supplement.

In this regard, the Ministry stated, because the Appellant had received the maximum amount of \$110 in November 2023, they were not able to provide an additional crisis supplement for clothing in January 2024.

### Panel Analysis

The Appellant does not dispute the fact that they received a crisis supplement for clothing of \$110 in November 2023.

Section 59(4)(c ) of the Regulation states that a crisis supplement for clothing must not exceed \$110 for each person within a twelve month period.

The Appellant applied for their first crisis supplement for clothing in November 2023 and received the maximum funds allowed under the Regulation. Two months later, the Appellant applied for a second crisis supplement for clothing.

Although the panel is sympathetic to the circumstances of the Appellant, the requirement regarding the twelve month interval between applications for a crisis supplement for clothing is clearly stated in the Regulation.

In this case, the panel finds that the Ministry acted reasonably in determining that the Appellant is not eligible for an additional crisis supplement for clothing in January 2024, within the same twelve month period that the Appellant received their first crisis supplement for clothing.

### Conclusion

As all the criteria under section 59(1) and 59(4)(c ) of the Regulation must be met, the panel finds that 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.

**Legislation and Regulation(s)**

*Employment and Assistance Act*

Section 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*

Section 59

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 \$50 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 maximum amount that may be provided in the 12 calendar month period preceding the date of application for the crisis supplement is \$110 for each person in the family unit.

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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

Robert McDowell

Signature of Chair

Date (Year/Month/Day)

2024/02/26

Print Name

Susanne Dahlin

Signature of Member

Date (Year/Month/Day)

2024/02/26

Print Name

Daniel Chow

Signature of Member

Date (Year/Month/Day)

2024/02/26