

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision dated January 10, 2024. The Appellant requested \$100.00 for a crisis supplement for food. The Ministry determined that the Appellant was not entitled to a crisis supplement for food beyond that of the maximum (\$50.00) per month, as set out in section 57(4)(a) of the Employment and Assistance for Persons with Disabilities Regulation.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (the “Regulation”), section 57(4)(a)

The relevant legislation is provided in the Appendix

Part E – Summary of Facts

The Appellant requested a written hearing of this appeal. A written appeal hearing took place on February 21, 2024, at 9:00 am. All members of the panel were in attendance.

The evidence before the Ministry at reconsideration included the Appellant's Request for Reconsideration ("RFR") dated December 27, 2023, which included a Request for Food Crisis Supplement in the amount of \$100.00.

According to the information provided by the Ministry and included in the reconsideration decision, the Appellant receives a monthly support allowance of \$983.50 a shelter allowance of \$500.00 and a dietary allowance of \$65.00. The Ministry recoups from the Appellant, \$20.00 a month for debt repayment. The Appellant submitted on the Request for Reconsideration that they cannot afford food due to high gas bill costs each month and have no other means of financial support.

Additional Information

In the statement of facts of the reconsideration decision, there were a number of dates provided that were in the future (December 2024 - which is at the end of this year). The panel reviewed the appeal record and were able to establish and verify a chronology of events based on the reconsideration decision being sent in December 2023. Where December 2024 is mentioned in the reconsideration decision, the panel assumes that date to mean December 2023.

Evidence Presented at the Hearing

Both parties (Appellant and Ministry) did not provide any additional evidence or submissions before the written hearing date; February 21, 2024. The hearing proceeded on the Appeal Record.

Part F – Reasons for Panel Decision

The decision under appeal is the reasonableness of the Ministry reconsideration decision dated January 10, 2024. The Appellant requested \$100.00 for a crisis supplement for food. The Ministry determined that the Appellant was not entitled to a crisis supplement for food beyond that of the maximum (\$50.00) per month, as set out in section 57(4)(a) the Regulation.

Position of the Parties*The Appellant*

The Appellant's position is that they do not have enough money to buy food in the month of December 2023, due to a high gas bill and requested a \$100.00 crisis supplement for food.

The Ministry

The Ministry's position is that the Appellant was issued a crisis supplement for food on December 18, 2023, in the amount of \$50.00. The Ministry argues that the current legislation does not allow for discretion related to the amount issued, and as such, the legislation only permits a maximum of \$50.00 per month to be issued to the applicant/Appellant. Moreover, the Ministry provides that it issued \$50.00 (the maximum amount) to the Appellant in the month of January, 2024.

Panel Decision

At the hearing, the panel considered the current maximum amount for a crisis supplement for food, per month, as set out in section 57(4)(a) of the Regulation. The panel considered that section 57(4)(a) of the Regulation sets the maximum amount per month to be issued for a crisis supplement for food at \$50.00.

In this case, and while sympathetic to the Appellant's food needs beyond the maximum amount, the panel also does not have discretion beyond what is set out in the legislation. As such, the panel finds that the Appellant was provided the maximum amount allowable for a food crisis supplement for both December 2023 (\$50.00) and January 2024 (\$50.00) by the Ministry. Accordingly, the Ministry's reconsideration was reasonable.

Conclusion

Having considered all of the evidence, the Panel finds the Ministry's decision to be reasonably supported by the evidence. Accordingly, the Panel confirms the Ministry's decision and the Appellant is not successful in their appeal.

APPENDIX – LEGISLATION

Employment and Assistance for Persons with Disabilities Act, section 5

Disability assistance and supplements

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

Employment and Assistance for Persons with Disabilities Regulation, section 57(4)(a)

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*.

(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;

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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
Jennifer Armstrong

Signature of Chair

Date (Year/Month/Day)

2024-02-28

Print Name

Bill Blaire

Signature of Member

Date (Year/Month/Day)

2024-02-28

Print Name

Bob Fenske

Signature of Member

Date (Year/Month/Day)

2024-02-28