

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

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction (“Ministry”) dated March 7<sup>th</sup>, 2024, in which the Ministry determined that the Appellant was not eligible for a crisis supplement for reimbursement for the purchase of a mattress.

This was determined under Sections 5 of the Employment and Assistance for Persons with Disabilities Act, and Section 57 of the Employment and Assistance for Persons with Disabilities Regulation.

### **Part D – Relevant Legislation**

*Employment and Assistance for Persons with Disabilities Act - Section 5*  
*Employment and Assistance for Persons with Disabilities Regulation -Section 57*

## **Part E – Summary of Facts**

The hearing took place on [April 24, 2024, as a teleconference. The Appellant selected “she/her” as her pronouns of choice for use in this Appeal.

### Evidence Before the Ministry at Reconsideration:

The Appellant is a sole recipient of disability assistance. She reported that she receives monthly amounts for disability assistance and supplements. Additionally, she receives Canada Pension Plan benefits which are deducted from the monthly disability assistance.

On March 3<sup>rd</sup>, 2023, the Ministry received a request through an advocate agency, applying for a crisis supplement to purchase a mattress. The request was supported by a letter from the Appellant’s doctor, indicating that the mattress was required for “medical illness”. The Ministry responded to the advocate and said that a quote for the mattress was required.

The Ministry attempted to call the Appellant to advise that the quote was required but was unable to leave her a message.

On March 24, 2023, the request for the crisis supplement for the mattress was closed, as the Ministry determined that the request was abandoned, as they had not received the required quote, nor had they heard from the Appellant.

On October 11<sup>th</sup>, 2023, the Ministry received a screen shot of an invoice from a furniture store, dated September 24<sup>th</sup>, 2023, for a king-sized mattress the Appellant had purchased. The Ministry noted that the Appellant advised that she had previously requested a crisis supplement for furniture, and that the Appellant had recently gotten a credit card and purchased the mattress, as she needed it for her exercise program. The Ministry requested that the Appellant submit her receipt for the mattress. On October 12, 2023, the Ministry received a screen shot of the Appellant’s credit card receipt for the mattress she purchased.

On November 15, 2023, the Ministry advised the Appellant that her request for a crisis supplement was denied, because she had not been preapproved for the purchase. Further, the Ministry determined that the need for the mattress was not unexpected. Another factor of consideration was whether or not an Appellant is able to meet the expense, and/or has available resources. The Ministry determined that the Appellant could meet the expense.

Information Received after Reconsideration:

The Appellant provided additional documents after the Request for Reconsideration, and they were sent to the Ministry and then to the Panel in advance of the hearing. They included a quote from a furniture store for two different kinds of mattresses, a doctor's prescription for four items to assist with mobility, and a "Medical Equipment Request and Justification" form, signed by her doctor, in which the Appellant's medical conditions were described and an orthopedic mattress was recommended.

The Ministry did not submit any new evidence.

Neither party objected to the admissibility of any of the additional evidence.

The Panel finds that the additional evidence is reasonably necessary for the full and fair disclosure of all matters relating to the decision under appeal, and therefore is admissible under section 22(4) of the *Employment and Assistance Act*.

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

The issue under appeal is whether the Ministry's Reconsideration Decision denying the Appellant a crisis supplement for the purchase of a mattress was reasonably supported by the evidence or is a reasonable application of the legislation.

### Appellant's Position:

The Appellant stated that she disagrees with the Ministry's decision because she requires the mattress for health reasons, and she purchased it because she needed it.

The Appellant stated that she feels the Ministry should reopen and reconsider the application.

### Ministry's Position:

The Ministry stated that their position at reconsideration was that nine months had passed from the time that the Appellant requested crisis funding for the mattress, and when the Request for Reconsideration was made. They determined that the need for the mattress was not unexpected, and the Appellant demonstrated that she had the resources to make the purchase. Representatives from the Ministry tried to contact the Appellant to discuss this in March but were unsuccessful.

The Ministry explained that this kind of crisis supplement must be approved in advance. They said that if the application for a mattress had been submitted with the required quote, the Ministry would likely have approved a less expensive mattress than the one the Appellant purchased.

### Panel Decision:

The issue under appeal is whether the Ministry's Reconsideration Decision denying the Appellant a crisis supplement for the purchase of a mattress was reasonably supported by the evidence or was a reasonable application of the legislation. The Panel accepted as admissible the information provided by both the Appellant and the Ministry at the hearing.

The Regulations set out the criteria and requirements for eligibility for crisis supplements.

Under Section 57 of the Regulation, it is provided that crisis supplement may be provided if the following requirements are met:

- If the supplement is required to meet an unexpected expense or to obtain an item that is unexpectedly needed, and the Appellant is not able to meet the expense or has no resources available for it.
- If failure to get the item will result in danger to the physical health of anyone in the family unit or will result in the removal of a child.

In applying the facts of the case here, the Appellant failed to meet with the requirements under the above Regulation.

The Ministry did not receive the required quotes for the mattress with the application that was submitted in March 2023. When the Appellant submitted the invoice in October 2023, there was a seven-month gap where there was no contact between the Appellant and the Ministry. There was no preapproval for such purchase from the Ministry either. Preapproval for the purchase was not granted, and payment for the purchase cannot be done after the purchase is made, except in extenuating circumstances, which were not present in this situation.

The Appellant demonstrated, by purchasing the mattress, that they were able to meet the expense. There is sufficient evidence to support that they did have the resources to fund it. Based on the information that the Ministry had before them at Reconsideration, along with the new information provided at the hearing, the Panel determined that the Ministry's decision to deny the crisis supplement was reasonable.

Conclusion:

The Panel finds that the Ministry's reconsideration decision that the Appellant is not eligible for reimbursement for the purchase of the mattress is a reasonable application of the legislation in the Appellant's circumstances.

The Panel confirms the Ministry's Reconsideration Decision. The Appellant is not successful in their appeal.

## Applicable 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**

#### **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](#).

(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 54.3 [pre-natal shelter supplement] or Division 7 [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 54.3 or Division 7 of Part 5 of this regulation, as applicable, for a family unit that matches the family unit;

(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.

(5) Repealed. [B.C. Reg. 248/2018, App. 2]

(6) Repealed. [B.C. Reg. 248/2018, App. 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 for Persons with Disabilities Act ~ Section 5  
Employment and Assistance for Persons with Disabilities Regulation ~ Section 57

**Part H – Signatures**

Print Name

Carla Gail Tibbo

Signature of Chair

Date (Year/Month/Day)

2024/05/14

Print Name

Kulwant Bal

Signature of Member

Date (Year/Month/Day)

2024/05/14

Print Name

David Handelman

Signature of Member

Date (Year/Month/Day)

2024/05/14