

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) Reconsideration Decision dated April 30, 2024, which determined the appellant was not eligible for a crisis supplement to pay for utilities.

Specifically, the minister was not satisfied that failure to pay the appellant's cell phone and internet bills will result in imminent danger to her physical health.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (Act), section 5

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

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 Before the Minister at Reconsideration

Ministry records show the appellant is a sole recipient of disability assistance, receiving \$1,170.50 for May 2024 (\$983.50 for support allowance, \$75.00 for shelter allowance, and \$112.00 for supplements).

Invoice from a Phone Company (April 13, 2024)

The invoice does not show the current charges or any information regarding discontinuation of service.

Request for Utilities, Crisis Supplement (April 19, 2024)

The appellant states that unexpectedly she is disabled in a wheelchair, is in a care home and has to pay rent. She adds that her internet and phone services are at risk of disconnection; she currently owes \$50.00 and has no resources.

Request for Reconsideration (April 23, 2024)

The appellant writes that she recently transferred to a long-term care home where she pays rent. Most of her income goes to the care home. As she will have only a small amount remaining, she cannot pay for her phone and internet. If she is not able to pay for her phone and internet, the services will be disconnected.

Additional Information

Appellant

Notice of Appeal (May 1, 2024)

The appellant writes that as a disabled person she has to communicate with the ministry, the Canada Revenue Agency, her social worker, dietician and psychiatrist, and go shopping, make appointments, and contact her family overseas. She states that without phone and internet services she will be isolated and not be able to do anything.

Ministry Submission

The ministry writes that it relies on the Reconsideration Decision summary in the Record of Ministry Decision, as its submission in this matter.

Admissibility

The panel determined the additional information regarding the appellant's explanation of her lack of communication is reasonably required for a full and fair disclosure of all matters related to the decision under appeal and therefore is admissible under section 22(4) of the *Employment and Assistance Act*.

The ministry did not provide any additional information.

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 failure to provide a crisis supplement for the appellant’s utilities, will not result in imminent danger to her physical health?

Appellant Position

The appellant states her rent takes most of her income, leaving no funds for phone and internet services. These services are at risk for disconnection; she currently owes \$50.00 and has no resources.

She adds that she has to communicate with several people such as government agencies, health care providers and family overseas. Without phone and internet services she will be isolated and not be able to do anything.

Ministry Position

The ministry is satisfied that moving is unexpected and causes unexpected expenses. In addition, the ministry is satisfied that the appellant does not have resources available to pay internet and cell phone bills. The ministry acknowledges that having a cell phone and internet makes communicating with others and accessing resources more convenient.

However, the ministry states, “imminent” implies a sense of urgency and the appellant has not provided any evidence such as a medical note from a healthcare professional to suggest she has an ongoing medical condition that would be worsened without her cell phone and internet access. Additionally, the bills submitted do not show that there is a risk of disconnection.

Therefore, the ministry is not satisfied that failure to pay the cell phone and internet bills will result in imminent danger to the appellant’s physical health. As her request does not meet all the criteria under Section 57 of the Regulation, she is not eligible for a crisis supplement to pay for her cellphone and internet bill.

Panel Analysis

Section 5, Act – disability and assistance

Section 5 states, subject to the Regulation, the minister may provide a supplement to or for a family that is eligible for it. Ministry Records show the appellant is a sole recipient of disability assistance.

Section 57, Regulation – crisis supplement

Section 57 states the minister may provide a crisis supplement for an eligible family member if the person requires the supplement to meet an unexpected expense and is unable to meet the expense because there are no resources available. As well, the minister must determine that failure to meet the expense will result in imminent danger to the person’s physical health.

Although the panel acknowledges that not having phone and internet services will impact the appellant’s ability to communicate, the panel finds this argument is insufficient to conclude that without a crisis supplement, the appellant will face imminent danger to her physical health. More specifically, the fact that the appellant may lose the ability to make/ take phone calls and access to the internet will not cause imminent danger to her physical health.

As all the criteria under section 57 of the Regulation must be met for the issuance of a crisis supplement, the panel finds the ministry reasonably determined the appellant is not eligible for a crisis supplement for utilities (cell phone and internet).

Conclusion

In conclusion, the panel finds the ministry decision was reasonably supported by the evidence.

The appellant is not successful on appeal.

APPEAL NUMBER 2024-0167

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)

2024/06/03

Print Name

Anil Aggarwal

Signature of Member

Date (Year/Month/Day)

2024/06/03

Print Name

Mimi Chang

Signature of Member

Date (Year/Month/Day)

2024/06/03