

Part C – Decision Under Appeal

Under appeal is a decision of the Ministry of Social Development and Poverty Reduction (the “Ministry”) dated May 28, 2024 (the “*Reconsideration Decision*”) denying the Appellant’s request for a sofa and coffee table.

The basis for the denial was that the Ministry did not determine the Appellant or her son’s health would be in imminent danger without a sofa or coffee table.

Part D – Relevant Legislation

This decision cites:

Employment and Assistance for Persons with Disabilities Act (the “Act”):

Sections 5 and 57

(Text of the above is attached at the end of the decision)

Part E – Summary of Facts

Hearing Proceeding

The hearing was held by video conference.

Background and Relevant Evidence

The Appellant is a single parent in receipt of disability assistance.

2024-February-21: The Appellant requested a crisis supplement to purchase a kitchen table and chairs, couch, coffee table, and lamp. The Appellant explained that she had to get rid of her furniture when she moved because she could not afford to store it as she was homeless. She said she was unexpectedly approved to move in a BC Housing rental and she did not have any funds to obtain basic furniture.

2024-February-28: The Ministry denied the crisis supplement request for furniture because they said there was no imminent danger to the Appellant's physical health if she was unable to purchase a kitchen table and chairs, couch, coffee table and lamp.

2024-March-14: The Appellant submitted a request for reconsideration and explained that:

- she has had several challenges with their health over the past few years and that she has been diagnosed with fibromyalgia.
- she has no furniture and if she sits on the floor too long, she becomes sore due to fibromyalgia.
- there is no light in the basement suite she is renting.
- she needs a kitchen table to sit on because her son needs to eat upright, or his acid reflux flairs up.
- she needs a coffee table to look for work on her laptop.

A doctor's note dated May 1, 2024 was also submitted that said the Appellant has fibromyalgia and that her pain can be exacerbated by a lack of furniture. The doctor added that this could potentially cause short term disability and any support in this area would improve the Appellant's quality of life.

2024-May-28: The *Reconsideration Decision* was issued stating that the "Decision Under Consideration" was "You are requesting a reconsideration of the decision to deny a crisis supplement to purchase a kitchen table & chairs, couch, coffee table, and lamp."

Appellant Submissions

The Appellant's Notice of Appeal states the following as the Reasons for Appeal:

I have fibromyalgia and plantar fasciitis, and I'm on disability. I need the coffee table and couch. We have hard wood floors and I need somewhere soft to sit because I'm in pain and can't sit on anything hard. The table is for putting up my feet.

The Appellant expressed concerns that she was told at the Service Centre that she could not include an updated doctor's note if it had not been included in the original application.

The Appellant described having intense body pain and feet pain. The Appellant said she has been diagnosed with Plantar Fasciitis which causes extreme pain and does not have a cure. She said she can not stand for too long as a result and needs to put her feet up at times during the day. The Appellant also explained that she has been diagnosed with Fibromyalgia and suffers from severe anxiety.

The Appellant said her new place has hardwood floors which she and her son required due to their dust allergies.

The Appellant explained that she went through a difficult period for five years and had her furniture in storage. However, she was unable to afford the storage so donated her furniture. She has now moved into her new home and does not have furniture. If she sits on the hardwood floors for too long she ends up in pain due to her fibromyalgia and if she stands too long she is in pain from her plantar fasciitis.

The Appellant asked for a kitchen table and chairs because her son has acid reflux and has to sit up to eat.

The Appellant asked for a sofa table so that she can use her laptop to look for work.

The Appellant asked for a lamp because there isn't lighting in the basement suite.

The Appellant said she can not have fabric lampshade or couch due to her and her son's allergies. She also has concerns about bed bugs being brought into her home.

The Appellant submitted a doctor's note dated June 12, 2024. The doctor's note stated that,

"...we are aiming to prevent any exacerbations of her chronic illness. She is appreciative of the furniture provided so far. She is hoping for an addition of a couch. She needs regular rest from standing for her chronic issues. Per [REDACTED], the kitchen chairs are too hard and exacerbates her symptoms at the hip and lower back. Her bed is also on another floor, which requires her commute between floors for housework if she was to rely on the bed for rest. If this could be brought into consideration, it would be greatly appreciated".

During the hearing, the Appellant described the pain and stress she is under as a result of her medical conditions and how not having a sofa and table add to her pain and stress. She spoke about being in pain for days sometimes and that she would like to find work but has to heal first.

The Appellant discussed her and her son's dust allergies and her concerns around bed bugs. She said she needs a couch that is not fabric as a result.

The Appellant also discussed her frustration with not being able to include the new doctor's note with her application. She said she doesn't understand why the lamp, kitchen table and chairs were approved but not the sofa and table. She said that the sofa is more important than the coffee table.

The Appellant said that her kitchen chairs are good for eating but not comfortable to rest for long periods of time. She said that her apartment can only fit a small table and two chairs.

The Appellant said that she lived with her mother for two and a half years and looked after her mother. During that time, she could not afford to store her furniture so donated it.

The Appellant said that when she looked at her current apartment, she did not see any furniture but had hoped to be working so she could buy new furniture.

Ministry Submissions

The Ministry referenced Section 57(1) of the Employment and Assistance for Persons with Disabilities (EAPWD) Regulation that states a crisis supplement may only be provided if all of the following eligibility criteria are met:

- The family unit is eligible for disability assistance or hardship assistance and

- Is required to meet an unexpected expense, or an item unexpectedly needed and
- 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*.

In the reconsideration decision, the Ministry stated that they were satisfied the appellant did not have any available resources to purchase the lamp, kitchen table & chairs, sofa and coffee table.

The Ministry stated that they were satisfied that the need for the items was unexpected as they acknowledged that the Appellant did not expect to obtain a place through BC Housing and did not have furniture as she could not afford to store her furniture.

The Ministry stated that in the doctor's note submitted with the application, the doctor said the pain would be exacerbated by a lack of furniture. They acknowledged the need for a kitchen table and chairs to prevent the Appellant's son from having acid reflux flare ups and to assist with the Appellant's fibromyalgia. The Ministry also acknowledged the need for a lamp as the basement suite does not have lighting. The Ministry stated the Appellant was eligible for a crisis supplement to purchase a lamp, kitchen table and chairs as all of the criteria under Section 57 of the EAPWD Regulation had been met.

The Ministry stated that the doctor said the Appellant's fibromyalgia can be exacerbated by a lack of furniture but that the doctor did not indicate any specific furniture items required. The Ministry stated that as they had provided the Appellant with kitchen table and chairs and a bed already, they considered the Appellant's need for furniture to avoid sitting on the floor as having been met. The Ministry stated that the Appellant was not eligible for a crisis supplement for a couch and sofa table as they were unable to determine that the Appellant or her son would have imminent danger to their health without a couch and coffee table.

During the hearing, the Ministry reviewed the applicable legislation, Section 57.1

The Ministry stated that the lamp, kitchen table and chairs were approved because she had met the criteria under Section 57.1 including:

- not having the resources to purchase those items
- being considered an unexpected need. The apartment through BC Housing became available and was not furnished.

The Ministry said that the original application did not include a doctor's note that made it clear there was imminent danger to her health without a couch and coffee table.

Admissibility of New Evidence

Under section 22(4) of the *Act*, the Panel may admit evidence that is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

The Panel admits as written submissions the "Reasons for Appeal" stated by the Appellant, a doctor's note, and the oral statements from the Appellant and Ministry (representative) made at the hearing. Where a certain statement is relevant, and given weight that might affect findings, it is specifically mentioned in the Panel's reasons.

Part F – Reasons for Panel Decision**Purpose and Standard of Review**

The purpose of the Panel, here, is not to redo the *Reconsideration Decision* under appeal. It is to review and assess whether it satisfied a standard, or benchmark, of reasonableness - even if the Panel might disagree with the outcome. The standard applied is whether the applicable laws were reasonably applied and whether the evidence was also reasonably applied in the circumstances. The evidence considered, however, is not just the evidence known at the *Reconsideration Decision*, but includes any new or updated evidence the Panel admits. That means this decision assesses the reasonableness of the *Reconsideration Decision* based upon what is known now.

Panel Reasoning for Decision

The panel reviewed the evidence presented relating to Section 57(1) of the Employment and Assistance for Persons with Disabilities (EAPWD) Regulation and the Appellant's request for a couch and coffee table.

Section 57(1) requires the following eligibility requirements to be met:

- The family unit is eligible for disability assistance or hardship assistance
The Appellant has met this eligibility requirement as she is eligible for disability assistance.
- Is required to meet an unexpected expense, or an item unexpectedly needed
The panel agreed with the Ministry that the couch and coffee table were an unexpected expense as the Appellant did not expect to get the apartment with BC Housing. The Appellant did not have furniture as she could not afford storage and had donated the furniture she had.
- There are no resources available
The Appellant is a single parent in receipt of disability assistance and does not have the resources to purchase the items.
- 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 panel admitted the doctor's note dated June 12, 2024 as new evidence. The doctor's note referred to the couch as providing regular rest from standing to alleviate the Appellant's chronic issues. The note said that the kitchen chairs are too hard and the bed is on another floor. As a result of the doctor's note, the eminent threat to physical health as an eligibility requirement has been met.

Concluding Decision

The Appellant is successful on appeal, the Panel having found that the *Reconsideration Decision* is not:

1. reasonably supported by the evidence, and
2. a reasonable application of the applicable enactment in the circumstances of the person appealing the decision.

Accordingly, the Panel rescinds the *Reconsideration Decision*.

Appendix - Relevant Legislation

Employment and Assistance for Persons with Disabilities Act

Interpretation

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.

Section 57(1) of the Employment and Assistance for Persons with Disabilities (EAPWD) Regulation

A crisis supplement may only be provided if all of the following eligibility criteria are met:

- The family unit is eligible for disability assistance or hardship assistance and
- Is required to meet an unexpected expense, or an item unexpectedly needed and
- 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*.

APPEAL NUMBER 2024-0218

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

Mary Chell

Signature of Chair

Date (Year/Month/Day)

2024 07 03

Print Name

William Haire

Signature of Member

Date (Year/Month/Day)

2024/07/03

Print Name

Robert Kelly

Signature of Member

Date (Year/Month/Day)

2024/07/03