

Part C – Decision Under Appeal

Under appeal is a decision of the Ministry of Social Development and Poverty Reduction (the “Ministry”) dated June 27, 2024 denying the Appellant’s Request for Reconsideration of the Ministry’s decision to deny a crisis supplement for clothing.

The basis for the denial was that the Ministry found the Appellant did not provide sufficient information to establish that her need for clothing was unexpected and that there would be imminent danger to her physical health if clothing wasn’t purchased. The Appellant also had already received the maximum \$110 allowable crisis supplement for clothing within a 12-month period.

Part D – Relevant Legislation

This decision cites:

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

Section 5

And

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

Section 57(1)

And

Section 57(4)

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

Part E – Summary of Facts**Hearing Proceeding**

The hearing was held on July 29, 2024 as a written hearing.

Background and Relevant Evidence

2023-Sep-19: The Appellant was provided with a \$110 crisis supplement for clothing.

2024-May-16: The Appellant requested a crisis supplement for clothing and stated, "I have no money for clothes got mold on it". Along with the request, the Appellant submitted a screenshot of Walmart's online shopping website, showing a bed frame for \$599.97.

2024-June-18: The Appellant was advised that she was not eligible for a crisis supplement for clothing because the maximum allowable clothing allowance under Section 57 (4)(c) of the Employment and Assistance Regulation in a 12-month period is \$110.

2024-June-18: The Appellant submitted a Request for Reconsideration and stated, "My clothes is mold on it and it is in the garage".

2024-June-27: The Ministry completed its review of the Request for Reconsideration and denied the Appellant's request on the basis that the Appellant had not provided sufficient information to determine that her need for clothing was unexpected and that there would be imminent danger to her physical health if the clothing was not provided. The Appellant also had already received the maximum \$110 allowable crisis supplement for clothing within a 12-month period.

Appellant Submissions

The Appellant did not make a submission for the written hearing.

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

"I can't afford clothes."

Ministry Submissions

The Ministry submitted a statement saying:

The Ministry relies on the Reconsideration Decision package as our submission in this matter.

Admissibility of New Evidence

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

The panel did not find there was any new evidence as neither the Appellant nor Ministry made a submission to the hearing.

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

The purpose of the hearing is not to redo the decision under appeal. It is to review and assess whether the decision 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 or whether the evidence was reasonably applied in the circumstances of the appellant.

Specifically, in this appeal, did the Ministry reasonably determine that the Appellant was not eligible for a crisis supplement for clothing?

Panel Reasoning for Decision

The panel reviewed the evidence presented relating to Section 57(1) of the Regulation and 57(4) of the Employment and Assistance Regulation.

Section 57(1) of the Regulation states:

A crisis supplement may only be provided if all 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*.

Section 57(4)(c) of the Employment and Assistance Regulation states:

Each person in the family unit can receive up to \$110.00 for a crisis supplement for clothing in a 12-month period.

The panel finds that the Appellant did not explain or provide sufficient evidence to meet all of the criteria required under Section 57(1) of the Regulation. Specifically, the Appellant did not provide any information or explain why the need for clothing was unexpected such as explaining how the clothing became unexpectedly moldy. The Appellant did not provide any information or explain how failure to obtain the clothing would lead to imminent danger to her physical health such as how much of the clothing is moldy and if there is any other clothing she can wear. Therefore, the Panel finds that the Ministry was reasonable in determining that:

- it was not established that the Appellant's need for clothing was unexpected; and
- it was not established that failure to purchase the clothing would result in imminent danger to the Appellant's physical health.

In addition, the panel finds that the Appellant is not eligible under Section 57(4) of the Employment and Assistance Regulation as the evidence shows that she has already received the

maximum amount the Ministry is authorized to provide for a crisis supplement for clothing in a 12-month period.

Concluding Decision

The Appellant is not successful on the Appeal as the panel found that the Ministry was reasonable in their decision to deny the Appellant’s Request for Reconsideration. The panel found that the Ministry was reasonable in their application of Section 57(1) of the Regulation and 57(4) of the Employment and Assistance Regulation. The panel found that the Appellant did not provide sufficient information under Section 57(1) of the Regulation to meet the criteria of unexpected need and that there would be imminent physical danger to her health if she was not provided with new clothes. The panel also found that the Appellant was not eligible for another crisis supplement under Section 57(4) of the Employment and Assistance Regulation as she has already received the maximum crisis supplement of \$110 for clothing the Ministry is authorized to provide in any 12- calendar month period. The panel confirms the Reconsideration Decision.

Appendix – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act **Disability assistance and supplements**

s. 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

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*](#).
- s. 59(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.

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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

Mary Chell

Signature of Chair

Date (Year/Month/Day)

2024/08/04

Print Name

Susan Ferguson

Signature of Member

Date (Year/Month/Day)

2024/08/04

Print Name

Neena Keram

Signature of Member

Date (Year/Month/Day)

2024/08/04