

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (“Ministry”) Reconsideration Decision dated August 28, 2025, which held that the Appellant was not eligible for a health supplement to obtain compression socks, pursuant to Section 67, 76(a) and Schedule C section 2(1)(a)(ii)(c) of the Employment and Assistance Regulation (“the Regulation”).

The Ministry found that compression socks are considered limb care under medical supplies as listed in Schedule C section 2(1)(a)(i)(f) of the Regulation, the Appellant does not have the resources to pay for the compression socks, the requested compression socks are the least expensive appropriate item and the Appellant has a prescription for the compression socks from a medical practitioner. The Ministry also found that the Appellant does not qualify for compression socks under section 67 of the Regulation because she is not a ‘qualified person’, ‘dependent child’ or ‘continued person’. As such the Appellant is not eligible for a supplement under Schedule C section 2(1) of the Regulation.

Additionally, the Ministry also found that the Appellant’ s failure to obtain compression socks does not demonstrate that she faces a direct and imminent life threatening need as required by section 76(a) Regulation.

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Part D – Relevant Legislation

Employment and Assistance Regulation – Section 66.3, 66.4, 67, 76 and Schedule C section 2(1)(a).

The relevant legislation follows decision in Appendix A

Part E – Summary of Facts

Evidence At Reconsideration

1. Prescription for compression socks dated May 9, 2025.
2. A quote for compression socks dated May 12, 2025 for \$399.98.
3. Request for Reconsideration dated August 15, 2025, in which the Appellant stated the following:
 - She is unable to afford compression stockings which she needs desperately.
 - She has severe varicose veins and ulcers on her feet appearing every so often.
 - She experiences daily pain in her legs which prevents her from functioning physically or working.
 - With compression stockings she experiences less pain which allows her to function better.
 - She has been waiting for surgery.

Evidence At Appeal

A Notice of Appeal signed and dated , 2025. In it the Appellant stated that: "I disagree with the Ministry's reconsideration decision because I have severe varicose veins on both legs along with ulcers on my feet. Therefore, I am in desperate need of compression stockings which will help me to not have too much pain all day long.

Evidence At the Hearing

At the hearing, the Appellant showed her bare legs to the Panel to demonstrate the need for compression socks. The Panel witnessed that approximately 2/3 of the Appellant's legs have protruding varicose veins, which includes below and above the knees. The further down the leg, the worse the concentration of the varicose veins.

At the hearing, the Appellant stated, in part, the following:

- She is in the process of applying for Persons With Disability designation. Her doctor has recommended that she do so.
- She does not have the money to purchase compression socks as she is one income assistances.
- She does face an imminent danger to her health as this stage of varicose veins is a danger.
- She has been referred for surgery and she is willing to undergo surgery but she is afraid.
- Ten years ago she experienced thrombosis induced by medication and was hospitalized. She is afraid of a repeat of this experience if she undergoes surgery and must take pain medication afterwards.

- There is the option of micro-surgery but her doctor does not recommend this for her even though it would be less invasive.
- She is actively looking for solutions for her condition.
- Even if she has surgery, she will still need compression socks post-surgery as her recovery and to prevent the varicose veins from returning.
- As it is, she cannot sit or stand for long due to pain. She is easily fatigued when trying to complete her chores. With the compression socks she feel less pain and less fatigue.
- Her left foot also has ulcers which exude pus.
- She currently takes Aspirin for her pain.

When asked, the Appellant stated the following:

- Who prescribed the compression socks? - The surgeon prescribed the compression socks and she does not have any additional information from him.
- Why did the surgeon prescribe the compression socks? - She needs them post surgery to prevent blood clotting.

At the hearing, the Ministry relied on its Reconsideration Decision and added that:

- The only medical information provided in evidence was the prescription which contained a diagnosis.
- Information regarding the Appellant's past hospitalization due to thrombosis was not confirmed by the doctor and the doctor did not provide information to support a finding of imminent danger.

When asked, the Ministry stated the following:

- Given that the diagnosis is a serious diagnosis which is chronic and there is information regarding thrombosis, is the Ministry now satisfied that that the Appellant faces an imminent danger to her health? - No, the scale of severity for this diagnosis is large and the diagnosis alone does not clarify the severity of the condition for the Appellant. The doctor also did not indicate the Appellant's history regarding thrombosis or her hospitalization. While the Appellant's self report is important it is not medical evidence.

Admissibility of Additional Evidence

A Panel may consider evidence that is not part of the record and which the panel considers is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

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The Panel finds that the contents of the Notice of Appeal is the Appellant's argument and not new evidence.

The Panel found that the testimonies provided by the Appellant and Ministry at the hearing provided additional detail or disclosed information that provides a full and fair disclosure of all matters related to the decision under appeal. The Panel has admitted this new evidence in accordance with s. 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

The purpose of the Panel is to review and assess whether the Ministry's Reconsideration Decision satisfied a standard of reasonableness. The standard applied is whether the applicable laws were reasonably applied and whether the evidence was also reasonably applied in the circumstances.

The issue in this appeal is whether the Ministry Reconsideration Decision which determined that the Appellant was not eligible for a health supplement to obtain compression socks was reasonably supported by the evidence and reasonable application of the applicable legislation.

The Panel's Decision

Section 67

Section 67 of the Regulation sets out that the Ministry may provide any health supplement under Schedule C section 2(1), to a 'qualified person', 'dependent child' or 'continued person'. The Appellant has not argued that she is either a qualified person, dependant child or continued person. The Regulation provides definitions for each category (see Appendix A).

The Panel finds that the evidence does not establish that the Appellant is a 'qualified person', 'dependent child' or 'continued person' as defined in the Regulation. As such the Panel finds that the Ministry reasonably determined that the Appellant is not eligible for a health supplement for compression socks pursuant to section 67 of the Regulation.

Schedule C, Section 2(1)

Schedule C, section 2(1) of the Regulation sets out that limb circulation care supplies can be provided to a recipient of income assistance as a general health supplement if they qualify under section 67 of the Regulation. As previously discussed, the Appellant is not eligible for a general health supplement under section 67 of the Regulation because she is not a 'qualified person', 'dependent child' or 'continued person'. As a result, the Panel finds that Schedule C, section 2(1) of the Regulation does not apply to the Appellant and she would not be eligible for any health supplement listed in this section.

However, in its Reconsideration Decision, the Ministry provided an analysis of Schedule C, section 2(1) of the Regulation even though it does not apply to the Appellant. Schedule C, section 2(1) also sets out that a health supplies supplement can be provided if the supplies are prescribed by the medical practitioner or nurse practitioner, are the least expensive

supplies appropriate for the purpose, and the supplies are necessary to avoid an imminent and substantial danger to health.

The Ministry stated that the requested compression socks are a general health supply listed under Schedule C, section 2(1) of the Regulation as limb circulation care, that the compression socks were prescribed by a medical practitioner or nurse practitioner, and they are the least expensive appropriate for the needed purpose. The Ministry also found that the evidence provided did not establish that the Appellant needed the compression socks to avoid an imminent and substantial danger to health.

The Appellant submitted that she suffers from severe painful varicose veins and needs the compression socks to function physically. At the hearing, the Appellant stated that in the past she experienced Thrombosis and the compression socks are necessary to avoid Thrombosis. The Appellant would also need the compression socks for post-surgery recovery. She stated that she is in danger due to the severity of her varicose veins. However, the Panel finds that neither the Appellant nor her medical practitioner have provided any evidence to support her position.

At the hearing, the Ministry stated that the condition of Thrombosis has not been confirmed by the Appellant's medical practitioner and there is no information to establish how severe the Appellant Chronic Venous disease is. The Panel finds that the legislation specifically states that general health supply supplements may be provided if the Ministry is satisfied that the requirements have been met. In the case of the Appellant, the Ministry has stated that it is not satisfied with the information provided.

The Panel agrees with the Ministry that a diagnosis of a severe chronic medical condition that has the potential be life-threatening does not in and of itself establish that the Appellant is in imminent danger or that the requested items is needed to avoid imminent danger. The Panel finds that to be satisfied; it is reasonable for the Ministry to require additional supporting information that would clarify the severity of the Appellant's condition and clarify that she is in imminent danger. The Panel also finds that it is also reasonable for the Ministry to seek this information from a medical practitioner or nurse practitioner.

The Panel finds that the evidence at reconsideration, at appeal and at the hearing is insufficient to demonstrate that the Appellant's health will be in imminent and substantial danger if she does not obtain compression socks. As a result, the Panel finds that the Ministry reasonably determined that the Appellant is not eligible for a health supplement for compression socks pursuant to Schedule C, section 2(1) of the Regulation.

Section 76

Section 76 of the Regulation sets out that for those who are not otherwise eligible for a general health supplement, the Ministry may provide one if the Ministry is *satisfied* that (a) the person faces a direct and imminent life threatening need and does not have the resources to meet that need; (b) the health supplement is necessary to meet that need; (c) the person receives premium assistance under the Medicare Protection Act; and (d) the requirements specified in Schedule C are met.

The Ministry submitted that the evidence provided does not demonstrate that the Appellant faces an imminent life-threatening health need for compression socks. Section 76 of the Regulation states that the Ministry may provide a general health supplement listed in Schedule C, if it is satisfied that the person faces a direct and imminent life-threatening need.

In the Reconsideration Decision and at the hearing, the Ministry stated that there is insufficient evidence to establish that the Appellant faces an imminent life-threatening health need for compression socks.

As discussed previously in this decision, the Panel found that the evidence did not establish that without the compression socks, the Appellant faces an imminent danger to her health. Similarly, the Panel finds that the evidence submitted for this appeal does not establish that the failure to obtain compression socks will cause the Appellant to face a direct and imminent life-threatening need.

As such the Panel finds that the Ministry reasonably determined that the Appellant is not eligible for a health supplement for compression socks pursuant to section 76 of the Regulation.

Conclusion

The Panel finds that the Ministry was reasonable in its determination that all of the criteria set out in Section 67, 76 and Schedule C section 2(1)(a) of the Regulation were not met. As a result, the Panel finds that the Ministry's decision to deny the Appellant's request for a health supplement to obtain compression socks was a reasonable application of the legislation and was reasonably supported by the evidence. The Panel confirms the Ministry's decision. The Appellant's appeal is not successful.

Appendix A

The Regulation

Definitions

"continued person" means

- (a) a main continued person under section 66.3 (1) or 66.4 (1), or
- (b) a dependent continued person under section 66.3 (2) or 66.4 (2)

"qualifying person" means a person who

- (a) has persistent multiple barriers to employment, or
- (b) is a recipient of income assistance who is described in section 8 (2) (b) [*people in special care*] of Schedule A

Section 66.3 (1) Subject to subsection (4), a person is a main continued person if

- (a) the person was
 - (i) part of a family unit identified in subsection (3) on the date the family unit ceased to be eligible for income assistance, and
 - (ii) a qualifying person on that date, and
- (b) the person has not, since that date, been part of a family unit in receipt of income assistance, hardship assistance or disability assistance.

(2) Subject to subsection (6), a person is a dependent continued person if

- (a) the person was a dependant of a main continued person under subsection (1) on the main continued person's continuation date, and
- (b) the person is currently a dependant of that main continued person.

Section 66.4 (1) Subject to subsection (4), a person is a main continued person if

- (a) the person was, on or after September 1, 2015,
 - (i) part of a family unit identified in subsection (3) on the date the family unit ceased to be eligible for income assistance, and
 - (ii) a recipient of income assistance on the date referred to in subparagraph (i), and
- (b) the person has not, since the date referred to in paragraph (a) (i), been part of a family unit in receipt of income assistance, hardship assistance or disability assistance.

(2) A person is a dependent continued person if

- (a) the person was a dependent child of a main continued person under subsection (1) on the main continued person's continuation date, and
- (b) the person is currently a dependent child of that main continued person.

General health supplements

67 (1) The minister may provide any health supplement set out in section 2 [*general health supplements*] or 3 [*medical equipment and devices*] of Schedule C to or for

- (a) a family unit in receipt of income assistance, if
 - (i) the family unit includes a qualifying person, or
 - (ii) the health supplement is provided to or for a person in the family unit who is under 19 years of age,
- (b) a family unit in receipt of hardship assistance, if the health supplement is provided to or for a person in the family unit who is under 19 years of age, or
- (c) a family unit, if the health supplement is provided to or for a person in the family unit who
 - (i) is a continued person under section 66.3 (1) or (2) [*access to medical services only*], or
 - (ii) is a continued person under section 66.4 (1) [*access to transitional health services*] and was, on the person's continuation date, a qualifying person or part of a family unit that then included a qualifying person, or
 - (iii) is a continued person under section 66.4 (2).

Health supplement for persons facing direct and imminent life threatening health need

76 (1) The minister may provide to a family unit any health supplement set out in sections 2 (1) (a) and (f) [*general health supplements*] and 3 [*medical equipment and devices*] of Schedule C, if the health supplement is provided to or for a person in the family unit who is otherwise not eligible for the health supplement under this regulation, and if the minister is satisfied that

- (a) the person faces a direct and imminent life threatening need and there are no resources available to the person's family unit with which to meet that need,
- (b) the health supplement is necessary to meet that need,
- (c) the adjusted net income of any person in the family unit, other than a dependent child, does not exceed the amount set out in section 11 (3) of the Medical and Health Care Services Regulation, and
- (d) the requirements specified in the following provisions of Schedule C, as applicable, are met:

- (i) paragraph (a) or (f) of section (2) (1);
- (ii) sections 3 to 3.12, other than paragraph (a) of section 3 (1)

Schedule C

General health supplements

2 (1)The following are the health supplements that may be paid for by the minister if provided to a family unit that is eligible under section 67 [*general health supplements*] of this regulation:

- (a)medical or surgical supplies that are, at the minister's discretion, either disposable or reusable, if the minister is satisfied that all of the following requirements are met:
 - (i)the supplies are required for one of the following purposes:
 - (A)wound care;
 - (B)ongoing bowel care required due to loss of muscle function;
 - (C)catheterization;
 - (D)incontinence;
 - (E)skin parasite care;
 - (F)limb circulation care;
 - (ii)the supplies are
 - (A)prescribed by a medical practitioner or nurse practitioner,
 - (B)the least expensive supplies appropriate for the purpose, and
 - (C)necessary to avoid an imminent and substantial danger to health;
 - (iii)there are no resources available to the family unit to pay the cost of or obtain the supplies

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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

Neena Keram

Signature of Chair

Date: 2025/10/03

Print Name

Warren Fox

Signature of Member

Date: 2025/10/09

Print Name

David Handelman

Signature of Member

Date: 2025/10/7