

Reasons for Decision:

Order # AP1617-0105

The appellant appealed that eligibility under Section 5(1) (a) of The Manitoba Assistance Act was denied.

The program representative provided a history of the appellant's requests for disability benefits. The appellant was granted eligibility in <text removed> for <text removed>. The appellant's eligibility was extended a few times up to <text removed>. The appellant was subsequently denied eligibility in <text removed>, due to the limited information provided.

A letter was sent to the appellant advising that for disability benefits to be reconsidered a physiotherapy and an occupational therapist report on the appellant's current functionality would be required. This information has not been received and the worker stated that the worker and the appellant have had many conversations in regards to what is required. There are no work expectations on the appellant. The appellant has been on general assistance benefits since <text removed>.

A new Disability Assessment Report, completed by the appellant's doctor was received on <text removed>. The doctor lists the appellant's primary diagnosis as <text removed> with the prognosis likely to remain the same. There were no objective findings supporting the diagnosis listed. The secondary diagnoses were listed as <text removed>. The appellant is also a <text removed> survivor. Additional comments regarding the diagnosis also listed <text removed> and indicated that the appellant has been referred to an <text removed> for <text removed>. The prescribed medications were listed as <text removed>. On the work activity section of the form the doctor checked that the appellant is able to work with temporary limitation of functions, the doctor then also checked the appellant was not able to work for <text removed>. <Text removed> were listed as what is functionally stopping the appellant from working at this time. The medical panel reviewed this information and decided that there was insufficient information provided as the previously requested medical information was not submitted.

The appellant attended the hearing with an advocate who presented on the appellant's behalf.

The decision before the Board is the most recent denial of <text removed>.

The advocate stated that the appellant meets the eligibility criteria under the Manitoba Assistance Act Section 5 (1) (a) and should have been found eligible as all the doctors' letters advise that the appellant is unable to work for more than 90 days. The advocate provided a history of the appellant's medical information submitted to the program

beginning in <text removed>, where on seven occasions the appellant's doctors have indicated that the appellant is not able to work for various periods of time. The report also show numerous times the appellant experiences a lot of pain in the appellant's left hand and wrist, the appellant's sleep being very interrupted due to <text removed>.

The advocate and the appellant do not understand what other information the program requires in terms of objective data. The advocate is unsure as to what the data would show to change the decision.

The advocate recognizes that CT scans or x-rays would be easier for the medical panel to allow benefits; however in the absence of that information the advocate asks the board to give weight to the appellant's verbal presentation and the report of <text removed> which shows that the appellant has been unable to work since then. The advocate advised that the appellant is not able to do even sedentary work due to the appellant's physical ailments and compounded with <text removed>; it is unlikely the appellant will ever be able to get a job to meet basic needs. The appellant's doctor reported that the doctor expects deterioration of the appellant's conditions. The appellant currently is seeking a new doctor as the appellant cannot return to the previous one.

The appellant reported that the appellant's sleep is interrupted due to severe <text removed>, and severe pain. The appellant said it's very difficult preparing meals and washing. The appellant stated that the appellant has days where the appellant doesn't want to get out of bed or take medications due to her <text removed>.

The advocate summarized that the appellant requires a considerable amount of support, and requests the board to grant disability benefits back to <text removed> as that is when the evidence was presented to the program indicating the appellant is not able to earn an income to meet basic needs.

The Manitoba Assistance Act states that in order to be eligible for disability benefits, you must be a person:

- (a)** who, by reason of age or by reason of physical or mental ill health, or physical or mental incapacity or disorder that is likely to continue for more than 90 days
- (i)** is unable to earn an income sufficient to meet the basic necessities of himself and his dependants, if any

After carefully considering the written and verbal information presented at the hearing the Board has determined that the appellant meets the eligibility for disability benefits under 5(1) (a). The Board heard the advocate and the appellant's presentation regarding the appellant's physical ailments <text removed>, as well as <text removed>. The Board placed weight on the recent decision where the doctor lists these conditions and states the appellant is unable to function at work and finds the number of the appellant's impairments to be significant. The Board does not support the advocate's request to backdate to <text removed> as the appellant was aware of

the appellant's right to appeal at that time and did not seek assistance to appeal. Therefore, the Board is varying the decision of the director and orders the Department to enrol the appellant under Section 5(1)(a) of The Manitoba Assistance Act effective <text removed> for period of <text removed>.

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