

Reasons for Decision:

Order # AP1718-0683

The appellant appealed that their disability benefits were denied under Section 5(1)(a) of The Manitoba Assistance Act.

The program received a Disability Assessment Report, completed by the appellant's doctor, in <date removed>. The doctor listed the primary diagnosis as depression, with no date of diagnosis indicated. Objective findings supporting the diagnosis stated low mood, lack of sleep and anxiety. There was no secondary diagnosis. The doctor listed an antidepressant prescribed to the appellant for the past two years. On the work activity section of the form, the doctor checked that the appellant is not able to work for seven to twelve months. The doctor did not explain what is functionally stopping them from working at this time. The program representative advised that some possible factors of the denial is that there is no medical information on the severity of their depression and how it impacts an inability to work, and that the appellant has only been with this doctor for one month.

The medical panel denied the request and sent a letter to the appellant on <date removed>, as the information provided does not substantiate an inability to work in any capacity. The letter further invited the appellant to call to discuss next steps. The worker advised that the appellant did call however, did not return their call. By then the appeal was in process.

The appellant attended the hearing with a friend. The appellant is a <age removed> <gender removed> and advised that they were incarcerated most of their adult life. The appellant was released <date removed> and has never worked. They explained how their conditions makes them very nervous in public and often gets panic attacks. The last doctor they had was a pediatrician and they just started seeing this new doctor last month. The appellant saw a psychiatrist while in jail, who prescribed the antidepressants they have been taking for the past <years removed>. The appellant understands this new doctor cannot speak too much on their current conditions, and is trying to get a referral to a psychiatrist. The appellant stated that they called their worker several times but did not receive a call back. The appellant said they are trying to be stable and wants to work on improving their self so they can be a productive member of society.

The Manitoba Assistance Act section 5 (1)(a) 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 him or herself and his or her dependents, if any.

After careful consideration of all the written and verbal information, the Board has determined that the appellant meets the eligibility criteria for disability benefits under Section 5(1)(a). The medical information submitted to the program indicated that they are unable to work due to their depression and anxiety. The Board placed considerable weight on the appellant's openness to receiving help to work on their mental health and their lack of life skills. The appellant is trying to get a referral to a psychiatrist to begin regular therapy sessions for their depression. It is evident to the Board that the appellant's mental health renders them incapable of earning an income sufficient to meet their basic needs. Therefore, the Board has rescinded the decision of the director and orders that the appellant be enrolled under Section 5(1)(a) effective <date removed> to <date removed>. This will allow time for them to work with their new doctor in order to obtain the psychiatric report from jail and/or get a referral for mental health counselling.

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