

Reasons for Decision:

Order # AP1516-0311

The appellant appealed that the appellant's medical eligibility under Section 5(1)(a) was denied.

The appellant had previously been granted disability benefits for a <reference removed> period. The appellant's new Disability Assessment Report completed by the appellant's doctor indicated a primary diagnosis of <reference removed> and a secondary diagnosis that was illegible. The doctor indicates for both conditions that they are likely to last years, and indicates the prognosis of the condition to remain the same. The doctor provides no objective findings for either diagnosis. The doctor has attached some psychological reports from <reference removed> and earlier. The doctor has not listed any current medications, hospitalizations, or referrals. In the section regarding work activity, the doctor has not indicated either "able to work" or "unable to work" but has checked off that there is a temporary limitation of functions and also ticked off 7-12 months. The doctor writes that the patient has started on <reference removed> which will be reviewed in one month.

At the hearing the appellant stated that the appellant has had <reference removed> for most of the appellant's life, but the appellant's experiences with the <reference removed> have caused the appellant repeated trauma, and the appellant now has <reference removed>, and a <reference removed>. The appellant provided the Board with a detailed description of the appellant's experiences with the <references removed>. The appellant indicated that the appellant's <reference removed> visits with the appellant's <reference removed> cause the appellant to re-live this trauma over and over, and the appellant believes the appellant will not be able to move forward with life until the appellant is no longer <reference removed>.

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 reviewing the written and verbal information the Board has determined that the written information submitted did not provide sufficient detail to support that the appellant was currently incapable of employment due to physical or mental ill health. However based on the Board's observations at the hearing, and the appellant's description of the appellant's day to day struggles, the Board was convinced that the appellant's current <reference removed> health condition renders

the appellant incapable of maintaining employment. The appellant spoke of <reference removed>, and demonstrated a preoccupation with the appellant's previous trauma.

Therefore the Board has varied the decision of the director and orders that the appellant be enrolled under Section 5(1)(a) of The Manitoba Assistance Act effective the date of the hearing, <dates removed>. This should provide the appellant with sufficient time to obtain objective information from the appellant's physician regarding the appellant's capability for gainful employment.

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