

Reasons for Decision:

Order # AP1516-0139

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

The Department reported at the hearing that the appellant was denied disability benefits as the appellant's conditions would not preclude all types of employment. The appellant provided multiple medical documents to include with the appellant's Disability Assessment Report. The reports provide objective evidence that do not show the issues in the same manner as the Disability Assessment Report. The reports submitted refer to the appellant's injuries as unremarkable. The functionality assessment appears to be completed based on subjective information/evidence. The Department requires objective evidence based on tests that have been conducted in order to determine disability eligibility. As the reports submitted indicate mild conditions, based on objective evidence submitted, the Department found the appellant not eligible for disability eligibility at this time.

The appellant attended the hearing with a physician, <name removed>. <Name removed> completed the Department's Disability Assessment Report on <date removed>. At the hearing, Dr. <name removed> reviewed the appellant's current medical conditions as listed on the Disability Assessment Report. The primary diagnosis is <health condition removed>. Secondary diagnosis indicates <health condition removed> due to a non work injury and <health condition removed>. Medications are <drug name removed> 50 mg for pain, <drug name removed> and <drug name removed> for <health condition removed> and <drug names removed> for <health condition removed>. The appellant completed a self-report in which the appellant listed having some difficulty with sitting, standing, walking, reaching, bending, household tasks, seeing, remembering, concentrating, sleeping, breathing, going out into the community and using public transportation. The appellant listed that the appellant has a lot of difficulty lifting and carrying and has no difficulty hearing and speaking.

In this same report, the doctor checked that the appellant was not able to work for an undisclosed amount of time. Dr. <name removed> further explained that <health condition removed> types don't show everything on test results and advised that she hasn't been able to prove all of the appellant's conditions as MRI testing could end up with a negative x-ray and imaging can't always show conditions. Dr. <name removed> advised that she has made referrals for further tests, one being in <date removed> for the appellant's knee. Dr. <name removed> also indicated that <name removed> suffers from <health condition removed> although it is not active, and <health condition removed>. The appellant stated that the appellant has a difficult time remembering and obtaining information making it difficult to further the appellant's education.

Dr. <name removed> stated that due to the appellant always having held labour-related jobs and due to weakness in the appellant's hand the appellant is no longer able to sustain that type of employment and the appellant's <grade level removed> education limits certain types of other employment. Dr. <name removed> stated that the Department must look at all the global factors to assess someone's ability to work.

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 the Board has determined that the Employment and Income Assistance program was correct in determining that the medical information did not meet the definition for medical eligibility under Section 5 (1)(a) of The Manitoba Assistance Act. All of the appellant's diagnoses are conditions which can range from mild to severe. In many cases these conditions can be successfully managed and a person can participate in gainful employment. The Board believes that the appellant has restrictions and limitations, however, did not hear that these conditions render the appellant unemployable. The Board also put considerable weight on the fact that Dr. <name removed> indicated at the hearing that <the appellant> would be able to work in a sedentary job if the appellant had further education and training, confirming that the medical limitations are not the principal barriers to employment. Therefore the decision of the Director has been confirmed and the appeal has been dismissed.

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