

Reasons for Decision:

Order # AP1516-0245

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

The appellant provided a letter from a doctor dated <date removed>. In this letter the doctor indicates that she saw the appellant twice in <year removed> and <year removed> when the appellant was referred to an assessment and advised to go for counselling. The doctor had not seen the appellant again until <date removed> and at that time the appellant stated the appellant was still struggling.

The appellant provided a Disability Assessment Report completed on <date removed> which stated that the appellant's primary diagnosis is <reference removed>. The objective findings supporting this diagnosis was listed as difficulty keeping jobs. No other diagnoses were listed. The doctor comments that an assessment was done in <year removed>, but history is lacking from <dates removed>. In <year removed> the appellant had an assessment through <reference removed>. The doctor indicates that the appellant is not taking any medications and there are no upcoming referrals to specialists or other health professionals. In the section regarding work activity, the doctor has indicated that the appellant is able to work with no restrictions.

The appellant did not complete a self-assessment, but the case worker did indicate on the Disability Assessment Summary that the appellant had shared that the appellant struggles with insomnia and lengthy periods of feeling sad. The appellant has been let go from previous employment in retail and restaurant work due to tardiness caused by sleep issues. The medical panel reviewed this information and determined that there was not enough information to support that the appellant was not capable of earning a living to meet the appellant's basic needs as is required by the legislation.

The appellant provided a second letter from the appellant's doctor dated <date removed> which states, "the appellant suffers from <reference removed> and this condition is affecting the appellant's ability to maintain jobs. The appellant has a fear the appellant might not be able to keep any job because of the appellant's condition."

The worker did not send this second note to the medical panel for review as it did not contain any new medical information. The worker sent a letter to the appellant indicating that they would need information such as the frequency and severity of the appellant's symptoms.

At the hearing the appellant stated that the appellant thought the appellant's letters

from the appellant's doctor would be enough to get the appellant disability. The appellant stated the appellant has had these issues for quite a while; they are not new to the appellant. The appellant stated how often this happens to the appellant is very inconsistent. The appellant stated the appellant had great trouble admitting that the appellant is struggling, the appellant even had difficulty going to see a doctor and telling the doctor the appellant is struggling. The appellant indicated the appellant has not completed the appellant's high school and eventually the appellant would like to do that. Currently the appellant is attending the <reference removed> program and doing fairly well there. The appellant's employment counsellor attended the hearing with the appellant and indicated that the appellant would have great difficulty finding and keeping employment, but would not say that the appellant couldn't.

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 Department was correct in determining that the medical information does not definitively support that the appellant is unable to earn a living sufficient to meet the appellant's basic needs. The information does support that the appellant does have issues with <reference removed>, but does not demonstrate that the degree to which this affects the appellant's day to day life would prevent the appellant from gainful employment in any type of job. The appellant is currently attending a pre-employment program which can be supportive to the appellant's needs, and is meeting the appellant's current work expectations. Therefore the Board has determined that the appellant does not meet the eligibility criteria for disability benefits, and the decision of the director has been confirmed.

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