

**Reasons for Decision:**

**Order # AP1516-0307**

The appellant appealed that the appellant's high protein diet allowance was discontinued as of <date removed>.

The Department reported that the appellant submitted a Therapeutic Diet and Nutritional Supplement Request and Justification form to the Department on <date removed>. The Department denied the appellant's request due to the appellant's condition of <reference removed> not meeting one of the required conditions for eligibility. In addition the Department stated that the appellant does not meet the criteria listed for a high protein diet allowance which includes evidence of unintentional weight loss and/or body wasting. Based on previous forms and the current one, the appellant has in fact increased the appellant's weight from <reference removed> pounds to <reference removed> pounds. The supervisor of the Disability Health Support Unit (DHSU) contacted the appellant's doctor on <date removed> to request additional information to potentially justify the need for a high protein diet. The doctor advised the supervisor that he could provide no justification for the appellant requiring a high amount of protein in the appellant's diet. He did however agree that the chronic condition diet would meet the nutritional requirement for the appellant's condition of <reference removed>. The chronic condition diet allowance was approved and added to the appellant's budget effective <date removed>.

The appellant reported that the appellant has in fact lost weight and the appellant's current weight is <reference removed> pounds. The appellant said the <reference removed> weight loss was over the last year. The appellant stated that the appellant's doctor advised the appellant that the appellant's diet should consist of low carbohydrates and high protein in order to stabilize the appellant's blood sugar. The appellant is prone to fainting spells and since receiving the diet allowance and being able to purchase healthier foods, the fainting spells have been reduced. When asked about the appellant's reported weight loss which has occurred while receiving the high protein allowance, the appellant responded that perhaps the appellant has overcompensated with too much protein and not enough carbohydrates in the appellant's diet.

The appellant <reference removed> and receives a restaurant meal allowance in the appellant's budget. The appellant's high protein diet allowance was \$136.94 and the chronic condition diet allowance is \$81.63. With this reduction in the appellant's budget the appellant stated that the appellant would not be able to continue with the healthy food choices the appellant had before. The appellant went on to explain that perhaps his doctor had forgotten that the appellant <reference removed> and could not prepare meals, which the appellant felt may explain why the doctor agreed with the lower allowance diet.

Schedule A Section 4 of The Manitoba Assistance Regulation states that:

If a medical practitioner has prescribed a special diet for a person, the applicable allowance for basic necessities under Table 1,2 or 3 may be exceeded by an amount approved by the minister,

The Employment and Income Assistance Administrative Manual outlines what the amounts approved by the Minister are, in Section 18.4.2. This section contains a list of specific therapeutic diets for specific medical conditions, and a monthly amount to be added to the diet when a physician or other medical profession has prescribed the specific therapeutic diet for the treatment of the listed medical conditions.

After carefully considering all the written and verbal information the Board has determined that the Department has appropriately determined that the appellant does not meet the established eligibility criteria for a high protein diet allowance. From the information provided on the Therapeutic Diet & Nutritional Supplement form, there was no justification or medical condition identified in regards to the appellant requiring 100 grams or more of protein each day. The appellant's doctor could not provide any justification that the appellant would require it therefore the Department denied the request. The appellant's doctor did however agree that the chronic condition diet allowance would be appropriate and this was approved and added to the budget. Therefore the decision of the Director has been confirmed and this appeal has been dismissed.

## **DISCLAIMER**

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