

**Reasons for Decision:**

**Order # AP1516-0374**

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

The appellant provided a Disability Assessment Report which lists the appellant's primary diagnosis as <reference removed>. The doctor states that the objective findings supporting this diagnosis are <references removed>.

The doctor also lists <references removed>. The doctor comments that nightmares are the result of <reference removed>, and that <reference removed> is getting worse over time. The appellant is participating in a research study for <reference removed> and has been referred to a <reference removed>. The doctor indicates that the appellant is not able to work for a period of 19 to 24 months. The doctor states that the appellant has <reference removed>. The doctor also states there is a worsening of <reference removed>.

The appellant also completed a Self-Report where the appellant indicates that the appellant has a lot of difficulty with <references removed>. The appellant indicated some difficulty with <reference removed>. The appellant indicated no difficulty with <references removed>. The appellant indicates that the appellant gets <references removed>, and can't <references removed>. The appellant states the appellant has a hard time going out alone, needs someone with the appellant at all times.

The medical panel reviewed this information and determined that the appellant's struggles appeared to be related to <reference removed>, and <reference removed> are not viewed as eligibility criteria for the EIA disability benefits. Medical panel comments that once <reference removed> assessment is completed, the assessment can be reviewed at that time.

At the hearing, the appellant was withdrawn and difficult to engage. The appellant stated that the appellant is in a lot of pain in the mornings and has to take <reference removed> first thing and can't do anything until they kick in. The appellant stated the primary reason the appellant could not work though was due to <reference removed>. The appellant stated the appellant ever goes anywhere alone; if the appellant does attempt to go out alone the appellant experiences shaking and sweating.

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 appellant does meet the eligibility criteria for a person with a disability. It is the Board's opinion that the doctor's report and the appellant's self-report show that the appellant's symptoms are severe and interfere with day to day functioning. The doctor specifically states that the appellant is using <reference removed> to decrease <reference removed>; therefore it is the Board's interpretation that the <reference removed> is a symptom of the <reference removed> and not the diagnosis that should be focused on in determining eligibility for disability. The doctor's description of what is functionally stopping the appellant from working clearly indicates that the appellant's condition is severe, and provides specific functional examples of why the appellant would not be able to function in a workplace. Therefore the decision of the director is rescinded and the Board orders that the appellant be enrolled under Section 5(1)(a) effective <reference removed> for a period of 24 months.

## **DISCLAIMER**

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