

Reasons for Decision:

Order # 1516-410

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

The appellant had been granted disability benefits pending surgery for <reference removed>. The appellant submitted a new medical assessment form from a new doctor who did not have the appellant's medical history. The primary diagnosis is listed as <reference removed>, and the doctor comments that the appellant has had <reference removed>. There are no secondary diagnoses listed. The medication the appellant is prescribed is listed as <reference removed>, and another medication for <reference removed>. The doctor has not checked off either "able to work" or "unable to work" but has checked off permanent limitation of functions, and comments that patient has <reference removed>. A letter from <reference removed> dated <reference removed> which is after the <reference removed>, and before <reference removed>, described the functioning of the <reference removed>.

Medical panel found that there was insufficient information to support medical eligibility, and requested more objective data. The appellant submitted a report from the <reference removed> dated <reference removed> which was prior to <reference removed>. Also submitted was a second letter dated <reference removed> which was <reference removed> before <reference removed>. Additional objective information was obtained, however the various reports and test results were for a period either before or between the appellant's surgeries. The medical panel determined that these reports did not show any objective data regarding the appellant's current functionality and therefore upheld their previous determination that the appellant did not meet the eligibility criteria for disability benefits.

The appellant had completed a self-report. The appellant did not indicate "a lot of difficulty" in any of the activities of daily living. The appellant indicated "some difficulty" in most areas with the exception of personal needs, bowel and bladder habits, speaking, remembering, concentrating, and breathing where the appellant indicated "no difficulty".

At the hearing the appellant indicates the appellant uses a walker or a cane to assist with mobility. The appellant stated the appellant did not go out into the community alone. The appellant stated the appellant just had an appointment with the <reference removed> and had <reference removed> and that the <reference removed> is not happy with how <reference removed> and may be doing more surgery. The appellant said <reference removed> is causing quite a bit of pain, and it swells frequently. The appellant states the appellant has difficulty with things like <reference removed>. The appellant will do meal preparation, but will have to sit while doing it. The appellant relies on a relative, whom the appellant lives with to do most of the shopping, laundry, heavy work etc. In addition to the appellant's <reference removed>, the appellant stated that the appellant had <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 medical documentation does not support a position that the appellant would be unable to earn a living sufficient to meet the appellant's basic needs. <Reference removed> does not in and of itself meet the eligibility criteria for a person with a disability. The doctor has not provided any details about the appellant's condition. No other medical problems other than <reference removed> are mentioned. The appellant's own assessment of the appellant's abilities does not state that there is a lot of difficulty in any area of daily living. Therefore the decision of the director has been confirmed.