

Reasons for Decision:

Order # AP1617-0627

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

The program representative advised that the appellant enrolled on Income Assistance in <date removed> and submitted a Disability Assessment Report in <date removed>. The appellant's doctor listed the primary diagnosis as <text removed> which is likely to deteriorate. Secondary diagnoses are <text removed>. The doctor further indicated that the appellant has <text removed>. There were several different medications listed for <text removed>. On the work activity section of the form the doctor checked that the appellant was not able to work for a life time due to <text removed> which takes the appellant <text removed>. A self report was included where the appellant writes that the appellant has a lot of difficulty standing, lifting and bending. The appellant further wrote that the appellant has trouble <text removed> and that the doctor advised that the appellant can no longer work due to a <text removed>.

This information was forwarded to the medical panel on <date removed> and a decision was made on <date removed>. The panel determined that a specialist report is required in order to assess eligibility. The request for disability benefits was denied as the program is unable to determine functionality, severity and limitations of the appellant's conditions as there are no specialist reports included.

The appellant attended the hearing with an advocate. The advocate stated that the appellant's doctor indicated that the appellant is unable to work for a lifetime, which far exceeds the program's requirement of 90 days or more. The appellant advised that the appellant has a hard time <text removed> due to chronic pain and now uses a <text removed> for assistance. The appellant can only <text removed> before having to rest before continuing. The appellant said the appellant can only <text removed> before chronic pain sets in then has to <text removed>. The appellant is also on three different <text removed> which have to be taken in 15 minute intervals of each other and the appellant also uses a <text removed> when needed.

The Manitoba Assistance Act section 5 (1)(a) 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 careful consideration of the written and verbal information the Board has determined that the appellant does meet the eligibility criteria for disability benefits under Section 5(1)(a). The appellant's doctor completed the Disability Assessment Report thoroughly which shows that the appellant has a number of <text removed> health issues, listed the objective findings, durations and prognosis of each condition. The Board finds that one of the conditions in and of itself may require further information; however the totality and the combination of all the appellant's conditions would prevent the appellant from earning a living sufficient to meet the appellant's basic needs.

Therefore the Board has rescinded the decision of the director and orders that the appellant be enrolled under Section 5(1)(a) effective <date removed> for <text removed>.

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