

Reasons for Decision:

Order # AP1819-0068

<name removed> appealed that their disability benefits were denied under Section 5(1)(a) of *The Manitoba Assistance Act*.

The Department advised that <name removed> had applied for disability eligibility in <year removed>. The primary diagnosis was listed as <health conditions removed>. The secondary diagnosis is <health conditions removed>. The doctor wrote that <name removed> attends a psychiatrist and has been treated for <health conditions removed> since <year removed> and <health condition removed> since <year removed>. On the work activity section of the assessment form, the doctor checked that <name removed> is not able to work for three to six months due to <health conditions removed>. The appellant is on medication for <health condition removed> and stated that there is significant improvement since the doctor changed their medications.

The medical panel denied the request and sent a letter to <name removed> on <date removed> advising of the decision. The letter stated the reason is due to the medical information indicating improvement in <health condition removed> with change to medications and no objective data on <health condition removed> was received. <name removed> appealed that decision, and the Social Services Appeal Board varied the Department's decision and ordered they be enrolled from <dates removed> to allow time to seek resources and supports.

<name removed> submitted a new Disability Assessment Report, completed by their doctor on <date removed>. The primary diagnosis is listed as <health conditions removed> with a prognosis likely to remain the same. The secondary diagnoses are <health condition removed> with a prognosis likely to improve and remain the same, and <health condition removed>. On the work activity section the doctor checked in the able to work section, temporary limitation of functions and in the not able to work section, unable to work for three to six months.

The medical panel denied continued eligibility as the previous Appeal Board decision was to allow time to work on <health condition removed> and submit assessment. There is no new information and no clinical diagnoses of <health condition removed> submitted.

<name removed> attended the hearing with their sibling and sibling's spouse. They advised that they have known <name removed> for twenty-three years and they have a <health condition removed> for the majority of that time. They also finds that the Department is focusing more on the <health condition removed> and not their <health condition removed>.

The sibling advised that they sees them every day. The sibling sees that their level of functioning and <health condition removed> have severely worsened and that their medications are too high.

<name removed> stated that since being denied disability, their <health condition removed> have been driven to epic proportions. The appellant lives with a friend/landlord, who has various issues, which has added to their stress.

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 all the written and verbal information, the Board has determined that <name removed> meets the eligibility criteria for disability benefits under Section 5(1) (a). The medical assessments, completed by <name removed>'s doctor, stating some improvements, does not necessarily imply that <name removed> is capable to work. In addition, the Board factored in their decision the presentations from <name removed>'s sibling and sibling's spouse, evidence enough to confirm that their current <health condition removed> render them incapable of maintaining employment sufficient to meet their basic needs at this time. Therefore, the Board has rescinded the decision of the director and orders that <name removed> be enrolled under Section 5(1)(a) effective <date removed> for twelve months to work on their <health condition removed> and provide a psychiatrist report for continuation of disability eligibility.

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