

**Reasons for Decision:**

**Order # AP1819-0288**

<name removed> appealed that their request for Employment and Income Assistance disability eligibility was denied under Section 5(1)(a) of The Manitoba Assistance Act.

The Department received a new Disability Assessment Report on <date removed> completed by their doctor. The primary diagnosis is listed as <health condition removed> with a prognosis of likely to deteriorate. The secondary diagnoses are <health condition removed>, both with objective findings supporting the diagnoses as x-ray and clinical examinations.

The doctor stated they are awaiting MRI results and that <name removed> has been referred to physiotherapy, however they are unable to attend due to financial hardship.

On the Work Activity section of the form, the doctor checked that <name removed> is not able to work for three to six months as they cannot lift heavy items, cannot do repetitive activities, not able to use left arm over their head, not able to kneel, climb stairs or stand for long periods.

A self-report was also included where <name removed> stated they have a lot of difficulty walking, and some difficulty sitting, standing, lifting, carrying, reaching and bending. <name removed> also said they have <health conditions removed>.

The medical panel reviewed this information and denied their request for disability eligibility as the information provided could not substantiate that their conditions preclude all employment. A letter was sent to <name removed> on <date removed> advising them of the decision. The appellant was requested to submit information after their scheduled MRI appointment on <date removed>, for reconsideration.

<name removed> attended the hearing with their friend <name removed>. The appellant brought their MRI results to the hearing, which was accepted into evidence with no objection from the Department. The results are from tests completed on their left shoulder, which stated <health condition removed>. <name removed> advised that they are currently waiting for surgery on their shoulder, which should be in the next few weeks.

<name remove> advised that <name removed>'s main issue today is with their kidneys, for which they will be seeing a specialist. Additionally, a biopsy will be scheduled in the next several weeks. Their kidneys are presently only working at a thirty percent level of efficiency, when they should be at a seventy-five percent level.

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

(l) 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 written information submitted by <name removed>'s doctor at the time, was not sufficient for enrollment under Section 5(1)(a). The doctor listed their primary condition as <health condition removed>, which does not in and of itself make one unable to work. The Department would need further information on the severity of the conditions and how they affect their day-to-day life.

However, the Board considered <name removed>'s testimony regarding their present conditions and also factored in the recent MRI results, upcoming surgery and their kidney biopsy. Therefore, the decision of the Director has been varied, and the Board orders the Department to enroll <name removed> under Section 5(1)(a) of The Manitoba Assistance Act effective <date removed> for eighteen months. This will allow <name removed> time to attend their upcoming appointments with the kidney specialist, have their shoulder surgery and to submit the required objective medical information for consideration of further disability eligibility.

## **DISCLAIMER**

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