

**Reasons for Decision:**

**Order #AP1819-0303**

On <date removed>, <name removed> filed an appeal of the Director's decision to deny them eligibility under Section 5(1)(a) of *The Manitoba Assistance Act*. The Department verbally advised <name removed> of the decision in <date removed>. The appellant was advised by letter on <date removed>.

The reason given for the denial of eligibility was that the information provided to the medical review panel did not substantiate that their conditions precluded all forms of employment.

At the hearing, the Department made reference to the evidence in its written report, noting it would not review the evidence *in extenso*.

In summary, the Department stated <name removed> was a <text removed> who had been on disability since <year removed>. Their doctor recommended <text removed> surgery in <year removed>, but <name removed> indicated they were not ready for surgery.

In <year removed>, <name removed>'s doctor stated they could perform sedentary work. The Department denied eligibility, but their eligibility was reinstated for 12 months after they appealed to the Board. At the end of that eligibility period, they were again denied eligibility, but their eligibility was reinstated for 18 months after they again appealed to the Board.

The Department stated it recognized <name removed>'s limitations, but it has determined they could find work with the proper supports. The Department stated the medical panel did not have enough information on the severity of their condition and its effect on all forms of work. The radiology report showed their condition was largely unchanged from <year removed>, and they are still not interested in pursuing <text removed> surgery.

<name removed> expressed frustration at the repeated Department denials of eligibility. The appellant stated they have the <text removed>.

<name removed> described the surgery required. The appellant stated it was major surgery with a high risk of complications. The appellant asserted their doctor told them to avoid the surgery for as long as possible. Two of their cousins have had the surgery, and they know the recovery takes a considerable amount of time.

<name removed> stated they have had this condition their whole life. It limited their activity level as a child, and ended their career in construction.

<name removed> stated the disability amount is only \$200 per month more than General Assistance. The appellant stated the Department expects recipients to live on very little money.

In response to a question from the Board, the Department stated it had imposed work expectations on <name removed>, but added that work expectations include employment training programs. The Department expressed confidence that it could find programming for them.

In response to a question from the Board, <name removed> stated they intended to have the surgery only when the doctors say it is necessary. The appellant added they did not know of anyone who opted to have the surgery prematurely.

<name removed> stated the last time they worked was in <year removed>, working for a subcontractor who paid in cash.

In response to a question from the Board, <name removed> stated they would like to have a job, but the doctor said they are not ready. The appellant expressed concerns about their ability to get to and from work. The appellant stated they could not think of any job they could do without the surgery.

After carefully reviewing the verbal and written evidence presented to it, the Board believes that <name removed> has a number of options for training and employment that may accommodate their health concerns. The Board recommends <name removed> work with the Department to explore those options.

The Board determines that the Department assessed <name removed>'s application correctly based on the information it had before it, in accordance with the legislation and regulations. The Board confirmed the Director's decision deeming <name removed> ineligible for the disability category.

## **DISCLAIMER**

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