

Reasons for Decision:

Order # AP1920-0099

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 date of the decision was <date removed>.

The decision letter sent to <name removed> indicated they were not eligible for assistance as a person with a disability as their doctor stated they were able to work.

At the hearing the department told the Board <name removed> was previously assessed as having both mental and physical health conditions. <name removed> was granted eligibility for assistance as a person with a disability on <date removed>, in order to provide them with time to heal.

<name removed>'s eligibility for assistance as a person with a disability was reviewed and an updated medical package was received on <date removed>. The information from <name removed>'s doctor stated they could work light jobs, with a restriction that they could not stand for extended time periods. <name removed>'s doctor provided additional medical information on <date removed>, which again stated <name removed> could work with their permanent limitations. As such, <name removed> was deemed ineligible for assistance as a person with a disability.

The department has had several discussions with <name removed> since <date removed>, in which they have stated they have upcoming mental health appointments. The appellant had also provided doctors' notes stating they have a mental health condition and could work with limitations. Once <name removed> receives information from their upcoming medical appointments, they are able to provide the department with additional information in order to be reassessed by the medical panel.

<name removed> indicated they have been working with their current mental health professional for the last six months. The appellant has provided the department with three letters from their doctor, which all state they have a mental health condition. Their doctor does not know what additional information they can provide to the department to be granted eligibility.

<name removed> stated their doctor had indicated they could work in restricted jobs. The department interpreted this to mean they could work, which <name removed> stated is not accurate. The appellant stated they are currently not able to work as a result of their attending treatment for both their mental health and addictions.

In response to a question from the Board, <name removed> indicated the treatments for their mental health are not going well. Their mental health condition is primarily a result of <health condition removed>.

In response to questions from the Board <name removed> stated they provided their medical letters to the department's front desk. The department confirmed that <name removed> had provided them with their most recent letter. However the appellant has been unable to find any work in the construction field.

The Board asked <name removed> if they have been looking for work. <name removed> responded negatively, stating they did not do so as they were working with their medical professionals. <name removed> indicated they would be open to retraining in order to enter the workforce; however, they has not had a chance to talk to the department about this. In response to the Board's asking if <name removed> felt ready to be retrained, they stated they might be, possibly into a sedentary position. The appellant has been working for the majority of their adult life, but not since his life circumstances have changed. The department noted that <name removed> has been working in the recent past, including in <date removed> when they responded to an online add for a contractor. The appellant has also been assisting their landlords complete construction projects.

The Board asked <name removed> if they had worked in the past as described by the department. <name removed> confirmed they have done some work for a property manager, vacuuming and laying sod. The appellant had reported this income to the department.

In response to questions from the Board <name removed> indicated their last worked approximately a year and a half ago. Their employment ended as a result of injuries sustained when another employee fell on them. <name removed> also stated that they are prevented from working as a result of current treatments for their addictions.

Based on the verbal and written evidence presented to it, the Board determines that there is insufficient information to determine that <name removed> is unable to work in any capacity for more than 90 days. The Board confirms the Director's decision to deny <name removed> eligibility under Section 5(1)(a) of *The Manitoba Assistance Act*.

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