

Reasons for Decision:

Order # AP1920-0615

On <date removed>, <name removed> appealed the decision of the Director, River Heights/Fort Garry to deny monthly funding for the care of a service dog. The decision letter was dated <date removed>.

The decision letter sent to <name removed> stated the Department only provided funding for a service animal if the animal was accredited.

<name removed> declined to speak at the hearing. The appellant submitted a written statement and a number of documents as evidence. <name removed> made the following points in their written statement:

- The appellant obtained a service animal prior to receiving funding approval from the Department because the animal became available at no cost, and they were aware the Department provided funding for service animals;
- The appellant assumed the requirement for certification would be waived by the Department because <name removed> had concluded it was discriminatory, and the Manitoba Human Rights Code did not require certification;
- The appellant has not yet obtained a medical letter for the service animal, but is attempting to do so; and
- The appellant believed the Department's refusal to provide funding was a violation of The Service Animals Protection Act, because the denial of funding meant they could not feed the animal correctly, which then interfered with its ability to perform its function.

<name removed> submitted a letter, drafted by themselves, verifying that their service animal was self-trained to provide deep pressure therapy.

The Department stated it sent <name removed> a letter on <date removed> setting out the Department's definition of a service animal. The Department expects that a client can produce some form of accreditation to prove the animal is trained to perform the duties it is meant to do. Once accreditation is received, the Department provides funding.

The Department noted <name removed> was advised of the rules prior to obtaining the service animal, but obtained an unaccredited animal anyway. <name removed> then asked the Department to waive the requirement for certification, but the Department denied the request.

The Department stated the only documentation of medical requirements submitted by <name removed> was a form from an organization with the acronym MSAR, which the Department assumes matches people to service animals. The Department did not consider this to be a medical document, and noted the patient diagnosis section was blank.

The Department asserted that the Manitoba Human Rights Code primarily deals with equal access, and does not apply to government funding decisions.

The Board asked if the Department had requested a demonstration of the animal's training from <name removed>. The Department stated it relied on certification, not physical inspection.

The Board agrees that the Manitoba Human Rights Code does not establish a positive right to a government benefit, and is not relevant to this appeal. The Board also determines that <name removed> has significantly misinterpreted the purpose and effect of The Service Animals Protection Act, which also is not relevant to this appeal.

<name removed> has not submitted any evidence that the service animal they have is trained to perform a function directly related to a disability they are experiencing. The diagnosis section of the service animal referral form was left blank, raising a question in the Board's mind as to how MSAR matched the animal to <name removed>'s needs.

Finally, it is not enough for <name removed> to simply assert that their animal has been self-trained. If the Department were to allow self-certifications, it would render the requirement for certification meaningless.

The Board notes that <name removed> once again invested a considerable amount of effort raising issues before the Board that were not relevant to the appeal. The Board is aware that <name removed> is not satisfied with the outcome of their <year removed> appeal, and that they have engaged in an ongoing dispute with the Department over the most appropriate means of communication. The Board has no need to be reminded of these issues at every appeal.

After carefully reviewing the verbal and written evidence presented to it, the Board determines that the Department assessed <name removed>'s eligibility for a monthly service animal allowance according to the legislation, regulations, and policy. The Board confirms the Director's decision to deny funding until <name removed> provides independent verification that their service animal is trained.

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