

Reasons for Decision:

Order # AP1920-0692

On <date removed>, <name removed> filed an appeal of the decision of the Director, Centralized Services to deny them eligibility under Section 5(1)(a) of The Manitoba Assistance Act. The decision letter was dated <date removed>.

The original decision letter sent to <name removed> on <date removed> stated the medical review panel denied eligibility because <name removed>' condition did not preclude all employment. The <date removed> decision letter confirmed the medical review panel's original decision.

At the hearing, the Department relied extensively on the written report submitted as evidence. <name removed> applied for assistance in <date removed>, and was provided with a Disability Assessment Report (DAR) package. Work expectations were deferred pending the appellant's disability application.

<name removed>' doctor submitted the package in <date removed>. The medical review panel considered the information and determined that <name removed>' condition did not preclude all types of employment. The panel recommended referral to an employment program that supported people with visual limitations.

In <date removed>, <name removed> attended a case planning meeting with their worker. The appellant disclosed that they experienced <health condition removed>, and agreed to provide updated medical information for reconsideration.

<name removed> initially provided an updated letter from their ophthalmologist about their eye condition, then subsequently submitted information from their therapist. The medical review panel reviewed the additional information and confirmed its original decision.

<name removed> described to the Board the difficulty they have preparing for the appeal because of their visual limitations. The appellant described the types of adaptive technology they use to work on a computer.

<name removed> noted they qualified for the Disability Tax Credit many years ago. Since then, their vision has declined to the point where their ophthalmologist has told them they are past the point where surgery will help, and they will eventually lose any vision they have.

<name removed> disputed the panel's conclusion their condition did not preclude all work, noting their ophthalmologist stated in the DAR that they had a permanent

limitation of functions and was unable to work.

<name removed> told the Board they have had a criminal record since <year removed>, which has been a barrier to finding employment.

In response to a question from the Board, <name removed> explained that they worked on contract as a brand ambassador in <year removed>. This position did not require visual skills, and the company was not concerned about their criminal record. However, the contract ended.

<name removed> told the Board they were a house spouse for eight years, but they were in the process of obtaining a divorce and their routine was changing. The appellant has 40% custody of their child.

<name removed> stated their mental health suffered over the past year because of the death of their parent and divorce, but they are beginning to feel positive again.

In response to a question from the Board, the Department stated <name removed> has not been referred to an employment program because they submitted additional medical information, and then subsequently filed an appeal.

<name removed> told the Board they have worked as a disability advocate, and acknowledged there is a number of programs available to people living with disabilities. The appellant asserted that those programs were not available to people with a criminal record.

<name removed> noted they were asked to work as a camp counsellor for the Canadian National Institute for the Blind (CNIB), but the offer was withdrawn when they disclosed their criminal record.

In response to a question from the Board, <name removed> acknowledged that there are adaptive technologies available that allow them to work with a computer and other equipment. The appellant stated they owned several of the technologies and was skilled in their use, but reiterated that they were unable to find a job. The appellant added that they used to work with adaptive technology in a call center, but they can no longer work in call centers because of their criminal record.

The Board noted the DAR did not list depression as a diagnosis. The Board asked <name removed> if they were still meeting with a therapist, and they confirmed that they were.

<name removed> explained they did not work regularly between <date removed> and <date removed> because they were a student, then a house spouse.

The Board notes the Department's original decision was based on the availability of employment programs for the visually impaired, and the record of visually-impaired

people obtaining employment. <name removed> subsequently claimed they had <health condition removed>, but they did not submit any evidence to the Department or the Board that they had been diagnosed with <health condition removed>. The appellant's therapist simply stated they had sought counselling after a number of negative life events, as many people do.

At the hearing, <name removed> repeatedly stated they could not obtain employment because they have a criminal record. The appellant stated they were convicted in <year removed>, but their assistance application shows they were continuously employed from <dates removed>.

The Board notes that, while a criminal record might be a barrier to employment, it is not a disability.

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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