

**Reasons for Decision:**

**Order # AP1920-0760**

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> did not provide a reason for the denial.

<name removed> was accompanied at the hearing by their advocate, <name removed> and their parent.

The Department told the Board that while the <date removed> disability assessment report stated <name removed>'s <health condition removed> interfered with their ability to work, it did not indicate they were precluded from employment. In the self report that was provided to the Department, <name removed> had indicated their only limitations were related to going out into the public.

The Department stated <name removed> had previously been granted disability eligibility in <year removed> and <year removed> in order to transition into programming that would meet their needs. <name removed> attended an educational assistant training program, and the Department received feedback that their attendance was excellent and there were no concerns with their practicum performance.

The medical panel felt <name removed> was capable of employment as they had been employed as a lunch monitor and was participating in a job works program. The Department had not been provided with any information to suggest that <name removed> was not able to work and their application for disability eligibility was denied.

The advocate indicated that section 5(1) of *The Manitoba Assistance Act* states that in order to qualify for eligibility for disability assistance an individual must be unable to earn sufficient income to provide for themselves. The issue in <name removed>'s case is not that they is unable to work, but that they are unable to maintain employment that will provide them with an income capable of meeting their needs. The advocate argued that this meant that <name removed> could hold employment and still qualify for disability assistance.

The advocate stated that <name removed>'s doctor has overseen their condition throughout their entire life and has stated that the condition results in permanent limitation of functions.

The advocate read from a letter written by <name removed>'s former employer which was dated <date removed>. It outlined that <name removed> showed a good attitude at

work, but had lower than average motor skills, lacked motivation to take on new tasks, and lacked planning ability, focus and accountability.

The advocate stated that while <name removed> can perform well in class, they struggle during job interviews and does not present themselves well.

<name removed> indicated they struggles with work if they do not know what tasks come next. The appellant struggles with spontaneous requests and has to write things down. <name removed> stated they have repetitive thoughts, and due to a lack of motivation the thoughts are what they focus on instead of the work to be done. The appellant struggles with interactions with their co-workers as they do not talk about the work, but rather what is currently on their mind.

In response to a question from the Board, <name removed> indicated they are not attending any therapy or taking any medications for their condition. <name removed>'s parent stated that therapy and medications have not been the doctor's first choice for the care of the appellant.

In response to a question from the Board, <name removed> stated when they attend job interviews they get anxious. The appellant attempts to follow through with what they have learned to do when attending interviews and does their best to focus on the questions.

In response to questions from the Board, <name removed> indicated they would like to be an educational assistant as it is one of the jobs they are good at as it is highly structured. The appellant hopes to become self sufficient and pursue their goals in life, such as owning a house and having retirement plans. The advocate asked <name removed> about what steps they have taken to improve their chances of finding employment. <name removed> responded, indicating they have taken at least four job readiness courses. The appellant has been applying for work with enough frequency that they had hoped to have secured employment by this time.

In response to questions from the advocate, <name removed> stated they felt that full time employment, as an educational assistant was possible for them to maintain. <name removed> indicated that at their previous job they had a difficult time with full time employment, as there was insufficient structure in the job duties. <name removed>'s parent stated that <name removed> is capable of performing tasks that they know, but they require lots of instruction and double-checking if they are doing something new. At home, <name removed> needs more direction than others to take on tasks at home that are not routine.

The Department indicated that the medical panel did not have access to the <date removed> letter read by the advocate, nor did it have information to suggest that <name removed> experiences anxiety at work.

The Board takes note of the advocate's and <name removed>'s presentation to it, and is persuaded that their condition will prevent them from securing employment until they receives additional employment related supports and job readiness preparation,.

Based on the information presented to it, the Board is convinced on the balance that <name removed>'s condition prevents them from working for more than 90 days. The Board rescinds the Director's decision, and orders the Department to enrol <name removed> under Section 5(1)(a) of *The Manitoba Assistance Act* starting <date removed> for a period of 24 months. The Board's expectation is that during their 24 months of eligibility, <name removed> will continue to make efforts to become job ready in order to secure employment.

## **DISCLAIMER**

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