

**Reasons for Decision:**

**Order # AP1516-0681**

The appellant appealed that disability benefits were denied under Section 5(1)(a) of The Manitoba Assistance Act.

The program representative stated that the appellant has been enrolled on income assistance since <date removed> when the appellant moved to <city removed> from <province removed>. The appellant submitted a Disability Assessment Report on <date removed>, completed by a doctor, along with various other medical reports from <location removed> dated the year <year removed>.

On the Disability Assessment Report, the appellant's primary diagnosis was listed as <text removed>. The secondary diagnosis was listed as <text removed>. The doctor further commented that the appellant is not currently being referred to any specialists but was seeing a <text removed> in <location removed> and will have to build a plan for treatment before further measures are taken. The medication section stated the appellant was taking medication for <text removed>, however it was reported as discontinued as the appellant couldn't afford them. In the section regarding work activity the doctor has indicated that the appellant is not able to work for <text removed> months due to <text removed>. The medical information from <location removed> in <date removed> which consists of letters from a hospital and a <text removed> health facility stated that the appellant presents <text removed>. There was no self report included.

The medical panel reviewed this information and denied the request for disability benefits as the information provided could not substantiate eligibility. It was recommended to the appellant that the appellant provide more current information regarding the appellant's <text removed> and objective reports confirming diagnosis and care plan, which was noted in the decision letter sent to the appellant on <date removed>. The appellant was sent a follow up letter on <date removed> to discuss the medical assessment. The appellant stated at a meeting with the worker that the doctor would not provide additional information and the appellant would like to appeal the decision.

The appellant reported that the appellant doesn't understand why the appellant would be ineligible for disability benefits in <location removed> as the appellant had been receiving the same benefits in <location removed> since <date removed>.

The appellant moved to <location removed> to spend time with the appellant's elderly parent who has a terminal condition, along with all the appellant's family lives in <location removed> and the appellant wanted to be closer to them. The appellant reported that the appellant was severely hurt several years ago and had broken

<text removed> bones. The appellant said most of <text removed> which has factored into some of the appellant's jobs ending. The appellant's last job was in <date removed>, which the appellant advised that the appellant had to leave for safety reasons. The appellant's doctor told the appellant that the appellant has <text removed> but the appellant wants to stay away from taking the prescribed medication. The appellant expressed that the appellant gets <text removed> and advised the appellant has had a <text removed>.

The Manitoba Assistance Act section 5 (1) (a) states that in order to be eligible for disability benefits, you must be a person:

(a) Who, by reason of age or by reason of physical or mental ill health, or physical or mental incapacity or disorder that is likely to continue for more than 90 days

(i) is unable to earn an income sufficient to meet the basic necessities of himself and his dependants, if any

After careful consideration of the written and verbal information the Board has determined that the appellant meets the eligibility criteria for disability benefits under Section 5(1) (a). It is the Board's opinion that the original Disability Assessment Report in <date removed> is reasonably completed for a new doctor who has no history with the patient. The doctor stated the appellant is unable to work for 3 to 6 months, listed what is functionally stopping the appellant from working at this time, and will attempt to build trust towards developing a treatment plan for the appellant. Also factored in the Board's decision is the presentation at the hearing. The Board believes it is apparent that the appellant's thought processes and presentation are indicative of a <text removed> and finds that the doctor's plan to develop trust before further measures may be made is reasonable. It is clear to the Board that the appellant currently is unable to earn an income sufficient to meet basic needs. Therefore, the Board orders the Department to enrol the appellant under Section 5(1)(a) of The Manitoba Assistance Act effective <dates removed>.

The Board strongly encourages the appellant to follow up with the doctor to work out a treatment plan and obtain and submit the required objective medical information for consideration of further extensions of disability benefits.

## **DISCLAIMER**

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