

**Reasons for Decision:**

**Order # AP1516-0182**

The appellant appealed that the appellant's medical eligibility under Section 5(1)(a) of The Manitoba Assistance Act was denied.

The appellant provided a medical assessment form to the Employment and Income Assistance Program on <reference removed>. The Disability Assessment Report lists the primary diagnosis as chronic cough, of which the cause has not been determined. The doctor indicates that the chronic cough has been occurring since <reference removed>. The doctor states that numerous tests and medications have not provided any improvement. In the section regarding work activity, the doctor has indicated "not able to work" for a period of 3-6 months. In the section asking what is functionally stopping the patient from working at this time, the doctor has stated, chronic cough, cannot work with others, especially customer service. The respirology report was included and is inconclusive in finding a cause to the appellant's chronic cough but suggested trying some medications and inhalers to treat the symptoms.

The appellant also completed a Self-Report where the appellant indicated No difficulty with most activities of daily living, except the appellant did indicate some difficulty with breathing. The appellant also explains in the self-report that due to the appellant's chronic cough the appellant has had to leave three different jobs, and leave school. The appellant stated the appellant has been trying to figure out what causes the cough and an effective means of treating the cough and that the appellant is unable to do many physical activities such as lifting, running, moving heavy objects, and that the appellant is unable to work around others or customers. The medical panel reviewed this information and determined that the appellant did not meet the eligibility criteria for disability benefits.

At the hearing the appellant indicated that the appellant was seeking temporary disability eligibility until the appellant could access funding in order to retrain for employment which could be performed at home. The appellant is hoping to do on-line training in the field of digital media. The appellant stated that when the appellant attended school the appellant could not hear the instructions due to the appellant's cough and it was also very disruptive for the class as a whole. The appellant also indicated that when you have a chronic cough, people assume you are sick and spreading germs, so they do not want you to work around food or people. The appellant stated that although a cause of the appellant's chronic cough has not been identified, the appellant does notice that it gets worse in dusty environments, or upon physical exertion.

The appellant had hoped that a cure or treatment would be found for the appellant's chronic cough, but as that has not happened, the appellant is looking to be able to

work from home.

The Manitoba Assistance Act 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 carefully considering the written and verbal information the Board has determined that the appellant's medical condition does not preclude all types of employment. The Board understands that a chronic cough would restrict the types of employment the appellant could perform and therefore is a barrier to employment. However, the legislation requires that a person is not capable of earning a living to support themselves due to a physical or mental condition. Although the appellant's doctor has indicated that the appellant is unable to work, that statement is qualified by "cannot work with others". Therefore the Board assumes that the appellant could work in an environment where the appellant is working more or less <alone>. The appellant's medical condition itself does not prevent the appellant from working, it is more the perception of those around the appellant, which would make an employer reluctant to hire the appellant. The appellant's statements at the hearing also indicate that the appellant could work at home in a position where the appellant could use computer skills to support the appellant. The fact that the appellant does not currently have the required skill set does not override that the appellant is not prevented from this type of work by the appellant's medical condition. Therefore the decision of the director has been confirmed.

## **DISCLAIMER**

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