Reasons for Decision:

Order # AP1516-0255

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

The appellant has been in receipt of disability benefits since the appellant was enrolled on income assistance in <date removed>. In <date removed>, the appellant submitted a medical assessment form which listed the primary diagnosis as <medical condition removed> and a secondary diagnosis of <health condition removed>. The appellant is prescribed medication to treat both <condition removed> and <condition removed>. The assessment form did not list any referrals to specialists or treatments. In the section regarding work activity the doctor has indicated that the appellant is not able to work for a period estimated to be <number removed> months. The doctor explains that what is functionally stopping the appellant from working is <health condition removed> and poor function due to <health condition removed>.

The medical panel reviewed this information and determined that based on the information provided, conditions should not preclude all work. The medical panel indicates that they could reconsider eligibility if a psychologist's report was available.

At the hearing the appellant indicated that the appellant was involved in two motor vehicle accidents which caused the appellant a lot of physical and emotional trauma. Then the appellant was seriously assaulted involving <reference removed> in <year removed> and the appellant has not recovered from this. The appellant stated the appellant has pain in the appellant's <reference removed> the appellant's <reference removed> and the appellant's <reference removed> which affects the appellant's ability to do much work. The appellant gets sharp pains in the appellant's <reference removed> which makes it very difficult to sleep. The appellant feels like if the appellant does not get up out of bed the appellant will die. The appellant has wounds on the appellant's <reference removed> that won't heal, and the appellant believes the appellant is allergic to the rod placed in the appellant's <reference removed>. The appellant also stated going out in public can trigger the appellant's trauma. The appellant stated the appellant has an appointment with a psychiatrist for an assessment on <date removed> and brought written confirmation of this appointment to the hearing. The appellant stated the appellant had <health condition removed> before the
<reference removed>, and the assault just aggravated the appellant's condition. The appellant stated the appellant has trouble with concentration and focusing; the <health condition removed> and the <health condition removed> are just "killing" the appellant and the appellant's life is going down the drain.

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 careful consideration of the written and verbal information the Board has determined that the appellant's medical condition is the same as when the appellant was previously approved in the past, and it is obvious the appellant is struggling. The appellant has an upcoming appointment with a psychiatrist and will need to participate in a treatment plan to address <health condition removed>. The Board has determined that it is very clear that the appellant cannot work. Therefore the Board has rescinded the decision of the director and orders that the appellant be enrolled under Section 5(1)(a) effective <date removed> for a period of twelve months.