

**Reasons for Decision:**

**Order # AP1516-0256**

The appellant filed an appeal that funds for a <meal delivery> supplement was removed from the appellant's income assistance budget.

The Department stated at the hearing that the appellant's eligibility for funds for <meal delivery> was up for review. On <date removed> the appellant's worker advised the appellant that the need for <meal delivery> was being reviewed and the appellant was requested to provide medical documentation as to why the appellant's meal preparation could not be done by home care or some other person. The appellant provided a note from a doctor stating that the appellant required <meal delivery> for medical reasons as the appellant requires assistance with making meals and that the appellant requires heart healthy meals. The doctor states that the <meal delivery> is far more convenient for the appellant as the appellant would require family/friends to consistently help with shopping and meal prep, where the appellant is independent with <meal delivery>.

The Department stated that when this review was completed, it was determined that the need was not deemed to be essential for health or a medical condition that could not be met by other more financially viable options. This determination was based primarily on the fact that the appellant had a roommate, and that the appellant had applied for permission to have a tenant transfer to a two bedroom so that the appellant's roommate could provide the support the appellant needed to maximize the appellant's independence in the community. In addition the program determined that home care could assist the appellant with meal preparation. The worker sent a letter on <date removed> advising the appellant that <meal delivery> would be removed from the budget on <date removed>.

The appellant came to the hearing with the appellant's roommate. The appellant stated that the appellant has been getting <meal delivery> for about <number removed> years. The appellant states the appellant's roommate also gets <meal delivery> delivered to their suite on a daily basis for two meals a day. They stated that they had each had been living in a one bedroom apartment in Manitoba Housing, and helping each other out. The appellant has <health condition removed> and is legally blind, the appellant's roommate has physical restrictions and experiences bouts of depression. They stated that neither of them have the capacity for grocery shopping and/or meal preparation.

They stated that they do provide ongoing support to one another, and on occasion the appellant's roommate does help the appellant with some cooking, but that this does not mean the appellant's roommate has the capacity or responsibility to do this on a full time basis. The appellant stated that the appellant's roommate helps the

appellant with things such as reading mail, filling forms, seeing the dials on the stove and washing machine, location of small objects etc. The appellant's roommate stated that the appellant helps the appellant's roommate when the appellant's roommate's depression gets severe, and when there is something that the appellant's roommate does not have the physical capability of doing.

The appellant indicated that even if the <meal delivery> allowance was removed from the appellant's budget, the appellant would still continue to pay for it, and receive the service as the appellant is used to this way of living, and any changes would cause the appellant hardship. The appellant disputed the information presented by the EIA program that home care would be able to step in immediately, as the appellant indicated the appellant has not had a home care worker come to the appellant's home for the last month or so to do the light housekeeping the appellant is approved for due to staffing shortages. In addition, the appellant does not believe they would be able to ensure there is proper food in the home for the home care worker to prepare.

The Employment and Income Assistance Administrative Manual states:

#### 18.3.8 SUBSIDIZED MEALS

Subsidized Meals includes subsidized meals from organizations/agencies such as Meals on Wheels and the Manitoba Housing Authority Congregate Meals Program.

The need to receive subsidized meals must be supported by information known by case coordinators, consultations with other program case workers/coordinators, or by participant self-assessments. The supporting information must be clearly documented in case notes.

A medical reason is not required in order for participants to receive assistance for subsidized meals.

When meal delivery services from Congregate Meals are required by a participant, contributions from the monthly entitlement shall be 75 cents per dinner. The balance of the cost may be met as a health need.

When meal delivery services from Meals on Wheels are required by a participant, contributions from the monthly entitlement shall be 75 cents per dinner and 35 cents per supper. The balance of the cost may be met as a health need.

After carefully considering the written and verbal information the Board has determined that the Employment and Income Assistance Program did not have sufficient justification to remove the funding for subsidized meals from the appellant's budget.

The EIA policy on <meal delivery> does not provide details that would indicate under what circumstances subsidized meals would be approved other than indicating that the need should be documented. At some point in the past this need was identified and approved for the appellant. Approvals are subject to periodic review, and one would presume that persons who are approved for reasons that are short term in nature, such as surgery, would only require these meals on a short term basis. The appellant was approved for a condition that is permanent and will not improve. At the time the appellant was approved, the same types of resources such as referrals to CNIB, home care, grocery delivery were available in the community and presumably taken into consideration when the initial assessment for eligibility for subsidized meals was made. The only change in the appellant's circumstances since the time when the appellant was approved for subsidized meals is that the appellant now has a roommate. As the basis for Manitoba Housing's approval of a rent share arrangement was on the understanding that the roommate could provide help with cooking and shopping, the program has determined the appellant is no longer eligible for subsidized meals. It is the Board's opinion that these statements on the application were made on the assumption that this support would be given within their current living situations (i.e. each receiving <meal delivery> services). The application was not made with the intention that the appellant's roommate had the capacity to continue to receive <meal delivery> for the appellant's roommate, but take over shopping and cooking duties for the appellant.

The Department's decision to remove subsidized meals from the appellant's budget is based on the assessment that "there is no medical justification or health need that deems <meal delivery> as essential for the appellant's <sic> health or medical condition", however the policy clearly states that a medical reason is not required for a person to receive assistance for subsidized meals. Therefore, the decision of the director has been rescinded and the Board orders the program to maintain funds for subsidized meals in the appellant's budget indefinitely.

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