

Reasons for Decision:

Order # AP1516-0291

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

The Department reported at the hearing that the appellant has been on general assistance since <date removed>. The appellant had advised the Department in <date removed> of health problems with the appellant's <reference removed> and stated the appellant will need surgery. The Department advised the appellant to bring in any medical reports to review eligibility for disability benefits. The appellant's file was closed due to receiving Employment Insurance benefits and reopened in <date removed>.

The appellant provided the Department with a doctor's note indicating that the appellant was referred to a surgeon. The appellant advised the Department that if surgery would be a year or more away the appellant would re-enter the workforce. In <date removed> The appellant submitted the Disability Assessment Report to the Department, no self report was included. The appellant's doctor listed the primary diagnosis as <reference removed>. There was no secondary diagnosis or any medications listed. The medical panel reviewed the appellant's medical information on <date removed> and denied the appellant's request as the appellant's medical condition may impact certain types of employment but should not preclude all types of employment.

The appellant stated that the appellant's doctor had informed the appellant that the appellant's <reference removed> is no good and that the appellant should have surgery. The appellant advised that the appellant has been putting off the appellant's <reference removed> surgery for many years but the appellant's <reference removed> condition is getting worse and will proceed with scheduling the surgery. The appellant advised that the appellant takes <reference removed> and <reference removed> on a regular basis but doesn't believe in taking too much medication or taking anything stronger. The appellant stated that the appellant tried to go back into the workforce returning to the appellant's profession as a <reference removed> but only lasted two days due to the pain and the appellant's being a safety hazard to the appellant and to others. The appellant advised that the appellant loves working outdoors and was a self employed <reference removed> for <reference removed> years but is now unable to sit for long periods of time. The appellant also said the appellant did some administrative work but that wasn't for the appellant. The appellant would however be interested in working with agencies as a translator or some type of liaison work but would want to have the appellant's <reference removed> surgery completed first.

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,

After carefully considering the written and verbal information presented at the hearing, the Board has determined that the appellant's medical condition does not preclude the appellant from all types of employment. The information provided does not confirm that the appellant is unable to earn a living to meet the appellant's basic needs. The Board recognizes that the appellant's conditions may limit and create barriers to the types of employment the appellant can do, but would not preclude a person from participating in all types of employment. The appellant advised the Board that if the appellant refreshed the appellant's academics and if there was an opening as a translator or liaison the appellant would be able to do it. The Board also took into consideration that the appellant advised the Department in <date removed> that if the appellant's <reference removed> surgery was a year or more away, the appellant could enter the workforce.

The appellant has acknowledged that the appellant is able and capable of work that would recognize the appellant's physical restrictions, confirms that the appellant does not meet the eligibility criteria for disability benefits. Therefore the Board has confirmed the decision of the Director and this appeal is dismissed.

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