

Reasons for Decision:

Order # AP1516-0421

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

The appellant reported that the appellant was receiving disability benefits which expired in early <date removed>. The appellant was scheduled to meet with the appellant's worker to create an action plan when the appellant was <reference removed> on <date removed>. The doctors who treated the appellant while in the hospital predicted the appellant would require a four to eight week recovery period. The appellant stated that time frame is unrealistic and advised that the appellant is still recovering. The appellant suffered a <reference removed> which the appellant stated is not reflected in the medical report. The appellant said that due to the pain caused by <reference removed> the appellant takes pain medication twice a day. The appellant also advised that the appellant just began physiotherapy treatments. The appellant feels that the appellant's disability assessment report doesn't reflect the appellant's true medical condition and is requesting that the Board grant disability benefits.

The Department reported at the hearing that the appellant submitted a Disability Assessment Report to the Department signed <date removed>. The report was completed by the doctor who treated the appellant while the appellant was in the hospital <reference removed>. The doctor listed the primary diagnosis as <reference removed> and the secondary diagnosis was listed <reference removed>. The appellant's medications were <reference removed> with duration of two weeks and an <reference removed> with duration of one week. In this same report the doctor checked that the appellant's injuries were expected to last less than 90 days. Under the work activity section of the report, the doctor indicated that the appellant has a temporary limitation of functions and checked that the appellant is not able to work for three to six months. The doctor's explanation as to what is functionally stopping the patient from working at this time stated that due to the <reference removed> the appellant's mobility has been decreased. In order to qualify for disability benefits an individual must be deemed unable to work for a period of 90 days or longer. The medical panel indicated in their decision that these injuries would require a four to eight week recovery time. As the injuries occurred in <date removed>, the recovery time has passed.

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, the Board has determined that the appellant's medical condition does not meet the eligibility criteria of disability benefits. Also factored in the Board's decision was the appellant's own admission at the hearing where the appellant stated that the appellant could do a desk job and is able to get to and from locations satisfactorily. The Board also finds that there clearly is conflicting information in the appellant's medical report regarding the duration the appellant is unable to work. One section of the report, which lists the appellant's diagnosis and duration, stated that the appellant's conditions are expected to last less than 90 days. On the work activity section it states the appellant is not able to work for a period of three to six months. The appellant acknowledged that the appellant is able and capable of work that would recognize the appellant's physical restrictions, meaning 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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