

Reasons for Decision:

Order # AP1819-0141

On <date removed>, <name removed> filed an appeal of the Director's decision to deny them eligibility under Section 5(1)(a) of *The Manitoba Assistance Act*. The date of the decision was <date removed>.

The Department advised the Board that the medical review panel rejected <name removed>'s application because there was insufficient information to establish their eligibility. However, the decision letter sent to <name removed> did not explicitly deny eligibility. Rather, the Department invited <name removed> and their parent to a meeting to discuss additional supports that might be available to them.

The Department stated the Disability Assessment Report submitted with <name removed>'s application had been prepared by a doctor who had been seeing them for approximately one month. The medical review panel requested more information because of the absence of an independent doctor history. The Department stated it did try to obtain additional information from Children's disABILITY Services, but <name removed> had waived service from that program area.

Based on <name removed>'s profile, the Department referred them to the Community Living disABILITY Services (CLdS) program. The Department stated the psychological assessment to be conducted by CLdS will be useful for assessing <name removed>'s disability eligibility, even if they do not qualify for CLdS.

The Department noted CLdS has a lengthy waiting list for assessments, and people on the waiting list can get displaced for higher priority clients. The Department stated the current estimated time for <name removed>'s assessment is <date removed>.

The Department told the Board if the assessment determines <name removed> is not eligible for CLdS but is eligible under Section 5(1)(a), then the Department will backdate their eligibility to <date removed>. The Department has waived work expectations while they are on the waiting list for an assessment. The Department confirmed it can assist in work programming for <name removed> if they want it, even though there are no work expectations.

<name removed> told the Board they have only been in <text removed> for the past year. The appellant has tried to find employment, but has experienced barriers in obtaining employment. The appellant stated they have been looking for manual labour jobs, such as mowing grass or stocking shelves.

<name removed>'s parent, <name removed>, stated the appellant has been diagnosed by school psychologists as <condition removed>, although their doctor told them that term is no longer used. The appellant's parent provided the Board with a number of examples of the appellant's limited adaptive behavior, including their inability to read or write.

<name removed> alluded to a history of conflicts with the Department worker who was responsible for the appellant's file at the time of their disability application.

The appellant told the Board they would be interested in cooking or picking up garbage as long-term job options. The appellant stated they knew those jobs were hard, but suggested "life is hard and you have to do it".

<name removed> stated the appellant had attended programming at <text removed>, but needed more academic upgrading before they can utilize <text removed> services.

The Board asked if the appellant had been sent to<text removed>. <name removed> replied the appellant had, but they claimed the Department did not seem aware of it. The Department stated the appellant can re-enroll in<text removed>, if they fit the program profile. The appellant can self-refer to <text removed>.

The appellant stated they are currently living with their parent. The appellant is not receiving the rent allowance, but is receiving the basic needs allowance of \$195 and the Rewarding Work Incentive of \$25. While they receives the money regularly, they stated they do not know how to budget or manage their money. The appellant did not receive assistance when they were living with their parent in <text removed>.

The Department told the Board that, if the appellant is deemed eligible for CLdS, they will be granted EIA Disability until age 65, plus CLdS benefits, which might include sheltered workshops, mentors and other supports.

The Department confirmed an application for CLdS was made, but CLdS did not approve the application because the information contained in the application was outdated. The Department was unsure how old the assessment contained in the application was, as the Department did not have a copy of the application.

In response to a question from the Board, the Department stated CLdS assessments can be fast-tracked for emergencies. The EIA program staff can make a request to CLdS staff to fast-track an application, but have no direct authority over the program.

The Board referenced the Disability Assessment Report, listing cognitive difficulties, a speech disorder, and ADHD as issues. The doctor stated the appellant was not able to work for seven to twelve months. The Department stated most of the information provided by the doctor was derived from existing paperwork, rather than direct observation. The medical review panel wanted more current information.

<name removed> told the Board the appellant's previous school in <text removed> had additional information, but they were having difficulty obtaining it.

The Department told the Board a deficit payment would be made to the appellant within one week, should they be found eligible for disability.

The Board was impressed by the appellant's determination to become independent and contribute to their community. The Board agrees the Disability Assessment Report prepared by the doctor did not contain independent observations, and some of the information available to the Department was outdated. The Board agrees the Department did not have sufficient information to make a decision in <date removed>. The Board recognizes the Department's efforts to find appropriate programming for the appellant, once their disability application was denied.

Board decisions are based on all evidence presented to it, including presentations at the hearing. The Board determines that evidence presented at the hearing confirmed the information contained in the Disability Assessment Report.

Based on the verbal and written evidence presented to the Board, as well as the appellant's demeanour and presentation at the hearing, the Board determines that there is now sufficient information to determine that the appellant is unable to work in any capacity for more than 90 days. The Board finds that the appellant requires a temporary period of support until their assessment is completed and their CLdS eligibility is determined.

The Board varies the Director's decision and orders the Department to enrol the appellant under Section 5(1)(a) effective <date removed> for a period of 12 months.

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