

Reasons for Decision:

Order # AP1819-0433

<name removed> appealed that their request for Employment and Income Assistance disability eligibility was denied under Section 5(1)(a) of *The Manitoba Assistance Act*.

The Department provided a history of <name removed>'s approvals and denials of disability eligibility. The appellant was found eligible in <year removed> for one year, to allow time to get their <health conditions removed> under control. In <date removed> they were found ineligible as their doctor noted that they had temporary limitation of functions and that they are asymptomatic. <name removed>'s file closed in <year removed> due to no contact. The appellant reapplied for disability assistance in <year removed> and again was found ineligible as the doctor noted they were able to work. <name removed> obtained employment as a cook in <year removed> and their file closed due to no contact.

In <date removed> they reapplied for assistance. The Department received a Disability Assessment Report completed by <name removed>'s doctor, on <date removed>. The primary diagnosis is <health condition removed> with objective findings as <health conditions removed>. Secondary diagnoses are <health conditions removed> with objective finding as asymptomatic and backache. Medication for <health conditions removed> were listed. On the work activity section of the assessment the doctor checked that <name removed> is not able to work for thirteen to eighteen months due to fatigue, not coping with work schedule. Backache when they were working as a chef and retraining is required.

The medical panel denied this request as the doctor again said <name removed> is asymptomatic, they are taking medication, their <health condition removed> is well controlled and there are no referrals made to assist with their <health condition removed>. A letter was sent on <date removed> advising <name removed> of the decision.

<name removed> spoke to their case counsellor in <date removed> and they confirmed that they will not seek help from a mental health professional or any other agencies or counsellors.

<name removed> stated that their conditions are getting worse and is being referred to a <text removed> specialist and their doctor increased their <health condition removed> medication. The appellant said their eyesight is horrible, their leg muscles are bad and they are not eating well. The appellant feels like nothing is going to get better in their life. <name removed> advised they did see a counsellor for their <health condition

removed> a few months ago, however is looking for an aboriginal male counsellor as that is who they are comfortable with.

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 agrees that there was insufficient medical information to support a claim of disability that would render <name removed> unable to work in all capacities. The Board believes <name removed> has restrictions and limitations, however did not find that these render them unemployable. Therefore, the Board has confirmed the decision of the Director, and this appeal is dismissed.

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