

**Reasons for Decision:**

**Order # AP1617-0120**

The appellant appealed that disability benefits were denied under Section 5(1)(a) of The Manitoba Assistance Act.

The program representative advised that the appellant has been enrolled on income assistance since <date removed> and applied for disability benefits <date removed>. The appellant was found eligible at that time based on a <text removed> report which described <text removed> possibly associated with <text removed>. Disability benefits were approved for <text removed> then extended for <text removed> and another extension <text removed> based on a <text removed> report detailing the appellant's <text removed>. The program requested an updated <text removed> report for further approvals. A Disability Assessment Report was received on <date removed> completed by a doctor. The primary diagnoses are listed as <text removed>. On the work activity section of the form the doctor checked that the appellant was able to work with temporary limitations of functions and also checked not able to work for seven to twelve months. There were no reports from a <text removed> to assess the severity and symptoms of the appellant's <text removed>.

The medical panel reviewed this information and denied the appellant's request for disability benefits as the program could not substantiate the severity of the conditions and how they preclude the appellant from any type of employment. An illegibility letter was sent on <date removed> and the letter advised the appellant to send any reports on <text removed> for reconsideration. On <date removed> the program received a letter from a counsellor along with a <text removed> assessment advocating for reconsideration. The letter confirmed that the appellant has been attending drop in <text removed> services, the appellant exhibited <text removed> during the two counselling sessions that the counsellor had with the appellant. The <text removed> assessment stated that the appellant did not present in acute distress or with an acute <text removed> concern but with possibly a <text removed>. The assessment also stated that they suggested the appellant attend <text removed> which the appellant declined.

The appellant attended the hearing with an advocate who presented on the appellant's behalf. The advocate advised that the appellant has had a life marked by <text removed>. The appellant was born in <text removed> and left due to <text removed> when the appellant was a teenager. The appellant's many <text removed> are <text removed> the appellant <text removed>. The appellant suffers from <text removed> and has tried several different medications. The advocate wrote a detailed letter to the appellant's doctor for further information, however received a one sentence reply. The appellant advised how the appellant <text removed>. The appellant tries to forget the past but suffers from <text removed>. The appellant's doctor doubled the appellant's

medication which has left the appellant very groggy 24 hours a day. The appellant would like to get off the high dosage of medication and described how hearing people talk in the group therapy sessions reminded the appellant of the past which increased the appellant's <text removed>. The appellant has asked the doctor to refer him to a <text removed> which the doctor has not done. As a result, the appellant is searching for a new physician. The advocate advised that she will be assisting

The appellant with getting the appellant help through the <text removed> for regular counselling sessions.

The Manitoba Assistance Act section 5 (1) (a) 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, if any

After carefully considering all the written and verbal information the Board has determined that at the time the Department made the decision to deny the appellant's disability benefits they had sufficient rationale to do so. The doctor's report minimized the appellant's conditions regarding <text removed> and did not indicate the severity of the appellant's conditions and how they prevent the appellant from doing any types of employment.

However, the Board considered the advocate's presentation on the appellant's <text removed>. The advocate discussed the benefits of counselling with the appellant, which the appellant is receptive to and is working towards that. It was evident to the Board that the appellant clearly is very distraught and emotional which inhibits the appellant's coping skills. Therefore the decision of the Director has been varied and the Board orders the Department to enroll the appellant under Section 5(1)(a) of The Manitoba Assistance Act effective the date of the hearing, <date removed> for twelve months.

## DISCLAIMER

These are electronic copies of the Reasons for Decision issued by the Social Services Appeal Board. These written reasons have been edited to protect the personal information of individuals by removing personal identifiers.