

Reasons for Decision:

Order # AP1819-0461

<name removed> appealed that their request to Employment and Income Assistance, for funding for a bathtub transfer bench, was denied.

The Department stated <name removed> submitted a letter from their doctor who stated that they would benefit from a bathtub chair to assist with safer bathing. A bathtub transfer bench was sent to <name removed> in <date removed>. This item is only replaceable every five years if required. <name removed> gave their bench away when they moved, as it was too big for their new place. The appellant was offered another one as an overpayment, which they did not agree to. The Department stated it's possible to provide <name removed> with a bath chair. As <name removed> chose to give away their transfer bench their request was denied.

<name removed> attended the hearing via teleconference with their advocate.

The advocate advised that <name removed> suffered a <health condition removed> in <year removed>. The appellant also has a new diagnosis of <health condition removed>. <name removed> was provided with some equipment from another agency and had some confusion which agency paid for what equipment. <name removed> had to move into a smaller place and the bathtub is much smaller than their previous bathtub. The advocate advised that <name removed>'s new place is really good for them as it is stable safe and secure housing. The appellant desperately needs a new bench and was not thinking rationally, due to their disability, at the time they gave away their previous bench.

The advocate read a letter from <name removed>'s doctor, written on <date removed>. The doctor confirmed how <name removed> requires the bathtub transfer bench as their disease causes them to have <text removed>. The appellant is at a high risk of falls and in fact falls frequently. Because of this, they require a tub transfer chair to minimize their risk of falling while bathing, as to not suffer a head injury or broken limb.

In accordance with Schedule A Division 3 of The Manitoba Assistance Regulations

Health care expenses state:

The following amounts are payable to a person in respect of his or her health care:

(a) Essential medical and surgical care;

After carefully considering the written and verbal information the Board has determined that <name removed>'s request for funds for the purchase of a bath transfer chair for

their new home is a reasonable request to manage a very serious medical condition. The Board heard how the transfer chair assists <name removed> from transferring in and out of the bath safely, versus the bath chair, which would still require them to manipulate in and out of the bath on their own.

<name removed>'s physician and their advocate have provided a written rationale and a diagnosis as to why they require a bath transfer bench. The Board also found the advocates statements credible as to <name removed> giving away their transfer bench. The Department purchased the bench previously as they recognized the need. The Board has determined that the purchase of a tub transfer chair should be considered an eligible expense under the Manitoba Assistance Regulation, Health Care Expenses. Therefore, the Board is rescinding the Director's decision on this issue and orders the Department to provide funds for an appropriate bathtub transfer bench for <name removed>.

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