

Reasons for Decision:

Order #AP2021-0169

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 Act)*. No decision letters were submitted as evidence.

The Department told the Board that when <name removed> applied for disability eligibility in 2019, their doctor did not provide diagnoses. Rather, the disability assessment report stated medical investigations were on-going. <name removed> was granted six months of eligibility in order to complete medical testing, and was requested to provide an internal medicine report, in order to assess their ongoing eligibility.

As a result of the global pandemic, <name removed>'s eligibility was extended for three months, during which time he provided the Department with the requested medical reports. The medical information was reviewed by the medical panel, and it was determined that the information provided was not sufficient to establish that <name removed> was unable to work for more than 90 days.

<name removed> stated that their doctors have not yet been able to determine the cause of his condition. The appellant is still receiving medical tests, which includes an MRI, for which they are waiting to be scheduled.

<name removed> indicated they can neither sit nor stand for long periods of time. The appellant is unable to lift with their left arm, and cannot lift over two pounds with their right arm. If the appellant stretches too far, they tear muscles. The appellant is unable to bend over, or lean to the side. <name removed> stated they do not know what type of work they can do with their current restrictions. The appellant submitted that based on their physical limitations, they meet the definition of disabled in *The Act*.

In response to a question from the Board, <name removed> stated they have not received any MRI scans in the past. The appellant's doctor referred them for one less than a month ago.

The Board asked <name removed> about their work history. <name removed> responded, stating they worked as a landscaping foreman for ten years. This involved both supervising the work, and taking part in the labour. The appellant was last employed two years ago and was laid off at the end of the season. The appellant completed grade 11, and took a landscaping apprenticeship course, but did not receive a passing grade.

In response to a question from the Board, the Department indicated that <name removed> can submit the results of their upcoming tests for reconsideration of their eligibility.

The Board acknowledges <name removed>'s verbal evidence about their limitations, but notes that there was no objective medical information presented to it that would suggest that these limitations prevent them from working.

Based on the verbal and written evidence presented to it, the Board determines that there is insufficient information to determine that <name removed> is unable to work in any capacity for more than 90 days. The Board confirms the Director's decision to deny <name removed> eligibility under Section 5(1)(a) of *The Manitoba Assistance Act*.

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