

Reasons for Decision:

Order # AP1516-0262

The appellant appealed that the appellant's medical eligibility was denied under Section 5(1)(a) of The Manitoba Assistance Act.

The Department presented a history of the appellant's on and off disability status from <date removed>. The appellant was granted eligibility for one year in <year removed> to access education and training. The appellant opted to leave the training program to look for work instead. The appellant found work in <date removed> which lasted four months. In <month and year removed> the appellant was denied disability benefits as the appellant's medical condition does not preclude the appellant from all employment. The appellant's doctor also indicated that the appellant was able to work with limitation of functions.

The appellant appealed that decision, which was rescinded by the Social Services Appeal Board, and the appellant was granted disability eligibility for six months to allow time to pursue a specialist review and/or provide further information from the appellant's doctor. The appellant did not follow through and was denied further disability eligibility upon expiry. In <date removed>, the appellant sent a letter to the Department from the Winnipeg Regional Health Authority (WRHA) surgery program for <reference removed>. The letter confirmed that they had received a referral to a surgeon from the appellant's doctor. There has been no recent disability assessment summary or self report sent to the Department.

The appellant stated that the appellant's <reference removed> is in so much pain the appellant has trouble sleeping and has been taking so much <medication name removed> that the appellant has become immune to it. The appellant indicated that the appellant now has a new doctor and the waiting list for surgery could take up to one year. The appellant brought a letter dated <date removed> to the hearing from the WRHA confirming that they have received the appellant's pre-consultation questionnaire and has been assigned to a surgeon for consultation. They indicate that the average wait time to see the surgeon is four months and an average wait time for surgery is eight months. The Department accepted this letter into evidence. The letter also encourages the appellant to attend patient education classes to better prepare the appellant for surgery which the appellant advised the appellant will be attending.

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 presented at the hearing, the Board has determined that the appellant's medical condition does not preclude the appellant from all types of employment. The latest medical information the appellant submitted to the Department, in <date removed>, does not confirm that the appellant is unable to work in any capacity. The Board recognizes that the appellant's condition may limit and create barriers to the types of employment the appellant can do, but would not preclude a person from participating in all types of employment. Therefore the Board has confirmed the decision of the Director and this appeal is dismissed.

The Board notes that the Department reported at the hearing that the medical panel reviewed and denied the appellant's disability eligibility on <date removed> however there was no decision letter presented as this decision was made after the appellant filed an appeal.

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