

PART C – Decision under Appeal

The decision under appeal is the June 29, 2015 reconsideration decision of the Ministry of Social Development and Social Innovation (the Ministry) in which the Ministry denied the Appellant Persons with Persistent Multiple Barriers (PPMB) status based on her employability screen score of 12 and the determination her medical condition does not preclude her searching for, accepting, and maintaining employment as under the Employment and Assistance Regulation Section 2(2), 2(3) and 2(4).

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) , Section 2

PART E – Summary of Facts

Preliminary Matter: The Appellant did not call into the tele conference hearing. After confirming that the Appellant was properly notified of the hearing, the Panel proceeded with the appeal hearing in accordance with section 86(b) of the Employment and Assistance Regulation.

The evidence before the Ministry at the time of reconsideration included the following:

- A PPMB Medical Report completed by a general practitioner (GP) and dated March 17, 2015. The GP notes he has been the Appellant's GP 6 months or more. The GP states the Appellant's primary medical conditions are depression, post- traumatic stress disorder (PTSD), anxiety, rheumatoid arthritis and hypothyroid with scoliosis as a secondary medical condition. The medical conditions have existed 5 years and the expected duration is 2 years or more. The GP states the medical conditions are continuous in nature and that the Appellant has been referred to a specialist. The GP describes the treatment for depression and PTSD has not been effective or poor effect to date. The conditions are not episodic in nature.
- A letter from the Ministry to the Appellant dated May 25, 2015 informing the Appellant that she no longer meets the requirements for PPMB status and her support will be reduced at the end of three months.
- An employability screen completed for the Appellant with a score of 12.

The Appellant states in her request for reconsideration that she still meets the criteria because she has been on assistance at least 12 of the last 15 months and her doctor has confirmed that she has a medical condition that has been ongoing for a year and likely to continue for at least 2 years. She states her health conditions have not improved but worsened. The medications are not effective and she has been working with her doctor to no avail. She concludes that she is unable to work as even getting through the day to day chores at home is very challenging.

In the notice of appeal the Appellant writes she disagrees with the Ministry's decision because her GP was not specific so she will ask him for more information.

At the hearing the Ministry reviewed the reconsideration decision and noted the Appellant had been receiving income assistance for more than 12 of the preceding 15 months. The Ministry stated the GP has been the Appellant's physician since at least 2011.

The Panel finds as fact that the following:

- The Appellant has been receiving income assistance for more than 12 of the preceding 15 months
- Her employability screen score is 12.
- The Appellant has medical conditions that have been confirmed by a medical practitioner and have existed 5 years and the expected duration is 2 years or more.
- The medical conditions are continuous, not episodic in nature.

PART F – Reasons for Panel Decision

The issue on this appeal is whether the Ministry reasonably denied the Appellant a Persons with Persistent Multiple Barriers (PPMB) status based on her employability screen score of 12 and the determination her medical conditions do not preclude her searching for, accepting, and maintaining employment under the EAR Section 2(2), 2(3) and 2(4).

The following legislation applies to this appeal:

EAR Section 2

(1) To qualify as a person who has persistent multiple barriers to employment, a person must meet the requirements set out in

(a) subsection (2), and

(b) subsection (3) or (4).

(2) The person has been a recipient for at least 12 of the immediately preceding 15 calendar months of one or more of the following:

(a) income assistance or hardship assistance under the Act;

(b) income assistance, hardship assistance or a youth allowance under a former Act;

(c) a disability allowance under the [Disability Benefits Program Act](#);

(d) disability assistance or hardship assistance under the [Employment and Assistance for Persons with Disabilities Act](#).

(3) The following requirements apply

(a) the minister

(i) has determined that the person scores at least 15 on the employability screen set out in Schedule E, and

(ii) based on the result of that employability screen, considers that the person has barriers that seriously impede the person's ability to search for, accept or continue in employment,

(b) the person has a medical condition, other than an addiction, that is confirmed by a medical practitioner and that,

(i) in the opinion of the medical practitioner,

(A) has continued for at least one year and is likely to continue for at least 2 more years, or

(B) has occurred frequently in the past year and is likely to continue for at least 2 more years, and

(ii) in the opinion of the minister, is a barrier that seriously impedes the person's ability to search for, accept or continue in employment, and

(c) the person has taken all steps that the minister considers reasonable for the person to overcome the barriers referred to in paragraph (a).

(4) The person has a medical condition, other than an addiction, that is confirmed by a medical practitioner and that,

(a) in the opinion of the medical practitioner,

(i) has continued for at least one year and is likely to continue for at least 2 more years, or

(ii) has occurred frequently in the past year and is likely to continue for at least 2 more years, and

(b) in the opinion of the minister, is a barrier that precludes the person from searching for, accepting or continuing in employment.

The Appellant argues her GP was not specific in the medical form and she will ask him for more information. She also argues her medications have not been effective and her medical conditions have worsened and she struggles with day to day chores.

The Ministry argues the Appellant has had the same GP since 2011 and the GP would be knowledgeable of the Appellant's conditions and be in a position to provide detail of her restrictions and that this information is lacking. Because the GP does not explain the nature of restrictions or how it affects the Appellant's employability, the Ministry is not satisfied that the Appellant is precluded from all types of employment.

There is no information on the medical report as to the nature of any restrictions specific to the Appellant's medical conditions and the Appellant has not submitted any additional information from her GP. The Panel finds the Ministry reasonably determined that it did not have enough information to make an informed decision as to whether the Appellant's medical conditions are a barrier that precludes her from searching for, accepting or continuing in employment and that Section 2(4)(b) of the EAR was not met.

Accordingly, the Panel finds the Ministry's determination to deny the Appellant PPMB level assistance was a reasonable application of the legislation in the circumstances of the Appellant. The Panel therefore confirms the Ministry's decision.