

Appealing Denial of the Persons with Disabilities (PWD) Benefit: The Reconsideration Request

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If you have applied for the Persons with Disabilities (PWD) benefit and have received a letter from the Ministry of Employment and Income Assistance (MEIA) denying your application, you have the right to appeal the Ministry's decision. You can file a Request for Reconsideration.

This Help Sheet is designed to help you understand the appeal process and how to make your Request for Reconsideration. The Help Sheet gives you information that may improve your chance of being successful in asking the Ministry to reconsider and approve your application for PWD.

If you are looking for assistance to apply for PWD, see Help Sheet 2.

How to appeal the denial of your PWD benefit

There are two levels in the appeal process:

Level 1: The Request for Reconsideration

If your Request for Reconsideration is successful the MEIA will give you the PWD benefit.

Level 2: The Appeal Tribunal

If the MEIA turns down your Request for Reconsideration you can go to Level 2 of the appeal process and ask for an Appeal Tribunal. Help Sheet 5B can help you with the Appeal Tribunal.

How to apply for a Request for Reconsideration

When you receive a letter from the MEIA saying that your application for the PWD benefit has been denied, you should take the following steps:

1. Act immediately

It is very important to start work on your Request for Reconsideration right away because you have only 20 business days to get your completed request to your local MEIA office. Day 1 is the day after you receive the denial letter from the MEIA. From that day, you count weekdays, but not weekends or holidays.

Tip: Write the date on the top of the denial letter from the MEIA as soon as you get it, so you can always figure out how many days you have before the deadline.

2. Get a Request for Reconsideration form

You get the Request for Reconsideration form from an Employment and Assistance Worker (EAW). Advocates do not have copies of these forms.

*Tip: Call **before** you go to your MEIA office to pick up the Request for Reconsideration form. That way, an EAW will be able to fill out their sections of the form before you pick it up.*

When you leave your MEIA office you should have the following:

- a) The Request for Reconsideration form.
- b) The denial letter from the MEIA that says the Ministry has turned down your application for PWD. You should already have a copy of this letter.
- c) The PWD Case Profile sheets. These sheets are usually 5 pages long and explain in detail why the MEIA has denied your PWD application.
- d) A complete copy of your PWD application.
- e) Any letters or records you or your doctor may have sent to the MEIA with your PWD application.

3. Complete the Request for Reconsideration form

Section One: This should have been completed by an EAW. It includes your name and current address. Make sure this information is correct.

Section Two: This is completed by an EAW. Check to make sure all the following information is there:

- a) What the MEIA's decision is. Usually the EAW will have written what your PWD denial letter says.
- b) The date you received the denial letter from the MEIA. Check to make sure the date is correct as this affects how long you have left out of the 20 business days to submit your Request for Reconsideration. We recommend that you write down the date your Request for Reconsideration is due.
- c) The definition of the Persons with Disabilities benefit from the Act. The PWD definition says that:
 - you must be at least 18 years of age
 - you must have a severe mental or physical impairment
 - your doctor must say that your impairment will last for at least 2 years
 - a doctor or health professional must say you are significantly restricted in your ability to do daily living activities (see below)

- because of your disability, you need the significant help or supervision of another person or help from an assistive device (e.g. cane) or assistance animal

Daily living activities are defined as:

1. performing personal hygiene and self care (for example, bathing)
2. preparing meals
3. taking medications
4. keeping the home clean
5. shopping for personal needs
6. moving about indoors and outdoors
7. using public or personal transportation facilities (for example, a bus)
8. managing personal finances

For people with mental health disabilities daily living activities also include:

9. making decisions about personal care, activities, or finances
10. relating to, communicating with, or interacting with others effectively (in other words, getting along with other people).

Section Three: This section is completed by you. You must write down the reasons you believe you qualify for PWD. Before you do this, you should be clear about why the Ministry has turned down your PWD application. This means you need to carefully read the denial letter and the PWD Case Profile sheets. Often PWD applications are turned down because:

- your doctor did not make it clear that your condition is “severe.”
- your doctor wrote that you are “independent” in most daily living activities and that you do not need any help to complete them.
- your doctor has not provided enough information about your limitations.

It is a good idea to ask your doctor to write you a support letter addressing the key issues before you complete Section Three. For more on this see the Additional Supporting Information section below.

Section Four: This section is also completed by you. You must sign the form, date it and include your phone number if you have one.

4. Additional Supporting Information

Additional information—particularly medical letters—is very important for the best chance of success with your PWD Request for Reconsideration. Here are some ideas that may help:

- a) Talk to your doctor about your PWD denial and explain that you need their help with your Reconsideration. If your doctor is supportive, ask him or her to write a letter that explains why you meet the PWD eligibility requirements. It is a good idea to remind your doctor about how your disability restricts your daily living activities and about the kind of help you need from other people, assistive devices or assistance animals. Remember, the doctor must write a letter and give it to you before the Reconsideration deadline.

- b) It may also help your Request for Reconsideration if you get information or letters from professionals and support people that are familiar with your limitations. The MEIA will put more value on letters from health professionals than one from friends or family; but a letter from someone who helps you or gives you support can still be helpful.

5. Submit your Request for Reconsideration

As soon as you have completed your Request for Reconsideration take it to your local MEIA office. Check the deadline. Do not wait until the last minute. **Make sure you get a copy.**

Remember, if the MEIA turns down your Request for Reconsideration, you can request an Appeal Tribunal. See Help Sheet 5B for information on this.



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