



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

This Help Sheet is funded by the Health Sciences Association of British Columbia.

If you have applied for the Persons with Disabilities (PWD) benefit and have received a letter from the Ministry of Social Development and Poverty Reduction (MSDPR) 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.

Please note that, although this Help Sheet provides an overview of the appeal process and gives suggestions on how you may increase your chance of success, it does not take the place of an advocate's assistance. To speak to an advocate, contact the Advocacy Access program (604-872-1278 or toll-free 1-800-663-1278) or go to the PovNet website (www.povnet.org) and click on "Find an Advocate" to see if there is an advocate in your area.

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 MSDPR will give you the PWD benefit.

Level 2: The Appeal Tribunal

If MSDPR 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.

What is a Request for Reconsideration?

A Request for Reconsideration is an opportunity for a new person at the MSDPR to take a second look at your PWD application, along with any new material that you have provided since the original decision was made. It is a new decision, not simply a review of the first decision. Because the Request for Reconsideration is a new decision it is also generally the best chance you have of success. You can submit a completed Request for Reconsideration to your local Ministry office in-person, by mail, or by fax.

How to apply for a Request for Reconsideration

When you receive a letter from the MSDPR 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 MSDPR office**. Day 1 is the day after you receive the denial letter from the MSDPR. From that day, you count weekdays, but not weekends or holidays.

While it is better to do your Request within the 20 business days, the Ministry will allow an extension if you need additional time to obtain and submit supporting documentation, but you must notify the Ministry **before** the end of your 20 business day deadline. If you are given an extension, the Reconsideration decision will be made 20 business days from the day your extension is granted. Please note that, even if you have an extension, you must submit your supporting documentation **before** the extension deadline.

In special situations, the MSDPR may permit you an extension if you miss your original 20-business day deadline, for example if you are too sick to inform the Ministry that you want to ask for a Reconsideration or that you need an extension. You should contact the Ministry as soon as you can and explain why you have missed the deadline.



TIP: Write the date on the top of the denial letter from the MSDPR 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 the Ministry. Advocates do not have copies of these forms.

TIP: Call 1-866-866-0800 before you go to your MSDPR office to pick up the Request for Reconsideration form. That way, the worker will be able to fill out their sections of the form before you pick it up.

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

- a) The Request for Reconsideration form.
- b) The denial letter from MSDPR that says the Ministry has turned down your application for PWD. You should already have a copy of this letter.
- c) The PWD Designation Decision Summary. These sheets, included with the denial letter, are usually three pages long and explain in detail why MSDPR 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 MSDPR with your PWD application.

3. Complete the Request for Reconsideration form

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

Section Two: This is completed by a Ministry worker. Check to make sure all the following information is there:

- a) What MSDPR's decision is. Usually the worker will have written what your PWD denial letter says.
- b) The date you received the denial letter from MSDPR. 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 Employment and Assistance for Persons with Disabilities 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 two 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:

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

For people with mental health disabilities, daily living activities also include the ability to:

- make decisions about personal care, activities, or finances
- relate to, communicate with, or interact with others effectively (in other words, get 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 many 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 to give you 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 MSDPR 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 MSDPR office. Check the deadline. Do not wait until the last minute. **Make sure you get a copy.**

In normal circumstances, the Ministry will take up to 10 business days to make a Reconsideration Decision, after the Request for Reconsideration has been received. The Reconsideration Decision will be mailed to you.

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

In addition to going through the PWD appeals process, you can also start a new application for PWD benefits if you are denied again at reconsideration, or if you are too late to make a Request for Reconsideration. You must be able to show that there has been a change in your circumstances or some new information that was not included in your original application. Consult Help Sheet 2 for additional information.

If the Ministry takes longer than the regulations allow to make a Reconsideration Decision, then you will not lose money as a result of the delay.



**This Help Sheet was prepared by Advocacy Access, a program of Disability Alliance BC
Thank you to the Health Sciences Association of British Columbia for Funding the BC Disability
Benefits Help Sheets.**

204-456 W. Broadway, Vancouver, BC V5Y 1R3 • tel: 604-872-1278 • Fax 604-875-9227
toll Free 1-800-663-1278 • www.disabilityalliancebc.org

The Full Help Sheet series and all DABC publications are available Free at:
www.disabilityalliancebc.org/publications.



we are all
connected

