



Persons with Persistent and Multiple Barriers to Employment (PPMB) Appeal Guide

Part One: The Request for Reconsideration

Disability Alliance BC has developed a number of guides to assist advocates and others who may be helping people to obtain benefits from the Ministry of Housing and Social Development (MSDSI or the Ministry).

This Guide provides information and explains how to assist someone who has applied for the Persons with Persistent and Multiple Barriers to Employment (PPMB) benefit and been denied.

Anyone who has been turned down for the PPMB benefit has the right to appeal. The first stage of the appeal process, covered in this Guide, is called the Request for Reconsideration. For information on the second stage of the appeal process, please refer to our *Appeal Guide: PPMB Part Two: The Appeal Tribunal*.

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The information in this Guide is based on the legislation and policy that was current at the time of writing. The legislation and policy are subject to change. Please check the date on this page.

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Persons with Persistent and Multiple Barriers to Employment (PPMB) Definition

The Ministry of Social Development and Social Innovation (MSDSI) regional office decides if an applicant qualifies for the benefit based on the:

- PPMB Employability Screen
- information provided by a doctor in the *PPMB Medical Report*

To qualify for PPMB, applicants must meet the eligibility criteria set out in Section 2 of the *Employment and Assistance (EA) Act* Regulations. An overview of these requirements are given in the section below. For the exact wording of the legislation, please see the appendices in this Guide.

How to qualify for PPMB

- Applicants must have been receiving income assistance for 12 out of the previous 15 months, immediately before they apply.
- A doctor must state that the applicant has a medical condition that has lasted for at least 1 year, or has occurred frequently in the past year, and is likely to continue or reoccur for at least 2 more years.



Addictions of any kind do not count as an eligible medical condition under the PPMB legislation.



Overview of the Appeal Process

- When applicants receive their denial letter from the Ministry, **they** must:
- Contact the Ministry (1-866-866-0800) and ask for a **Request for Reconsideration** form. A sample of this form is included in the appendices of this Guide.
- Complete the Request for Reconsideration form and include all the documents the applicant wants MSDSI to have when it is reconsidering the denial of the benefit.
- Return their Request for Reconsideration form and supporting documents to their local MSDSI office within **20 business days** of the date they receive their denial letter.



An extension may be granted by the Ministry if it is not possible to submit supporting documentation within 20 business days. The Ministry can delay the Reconsideration decision by 10 business days.

When MSDSI gets the Request for Reconsideration form, **MSDSI** must:

- Respond, in writing, with its decision within **10 business days** from the date it received the applicant's information.

If MSDSI denies the Reconsideration, the applicant can ask an Appeal Tribunal to hear their case. If they want to appeal to a Tribunal, **they** must:

- Inform the Employment and Assistance Appeal Tribunal (EAAT) office within **7 business days** of receiving the denial letter that they want to go to Tribunal. Applicants do this by completing a form called the Notice of Appeal to the Employment and Assistance Appeal Tribunal. The Notice may be faxed or mailed to the EAAT office. The EAAT office will record the postmark date on the Notice. Often the local MSDSI office will agree to fax the Notice to the EAAT office for the applicant.
- Once the Notice of Appeal form has been sent, the Tribunal must be held within **15 business days**, unless the applicant, MSDSI and the Tribunal Chair agree to an extension.



Applying for a Request for Reconsideration

Applicants should act immediately

It is very important that the applicant starts work on their Request for Reconsideration right away because they have only 20 business days to get the completed Request to the Ministry.

Getting a Request for Reconsideration form

Applicants should call (1-866-866-0800) **before** they go to their MSDSI office to pick up the Request for Reconsideration form. That way, a worker will be able to fill out their sections of the form in advance.

When the applicant leaves the MSDSI office, they should have the following:

1. The Request for Reconsideration form
2. A copy of the PPMB Medical Report filled out by their doctor.
3. The denial letter from the MSDSI that says the Ministry has turned down their application for PPMB. They should already have a copy of this letter.
4. The Employability Screen that was completed by a worker.
5. Any letters or records the applicant or their doctor may have sent to the MSDSI with their PPMB application.

Understanding the Request for Reconsideration form

Section One: This should have been completed by a worker. It includes the applicant's name and current address. It is important to check that this information is correct.

Section Two: This is completed by a worker. All the following information should be included:

1. What the Ministry's decision is. Usually the Ministry will have written details on what the PPMB denial letter says.
2. The month the decision is effective—if the applicant is already receiving PPMB. The Ministry allows a 3-month transition period before benefits are reduced.
3. The date the denial letter was received from the Ministry and the date that is due. It is very important that this date is correct. We recommend writing down the date the Request for Reconsideration is due.
4. The law the Ministry used to make its decision.

Section Three: This section is completed by the applicant.

1. The MSDSI denial letter gives the reasons the Ministry turned down the application for PPMB. Read the reasons very carefully and compare them to what the doctor put in the Medical Report.

The MSDSI might have turned the person down because of some information their doctor put in the Medical Report or it might be because of some information the doctor left out. Look at what the doctor said about the applicant's medical condition(s) and how it affects their ability to work.

Has the doctor said anything about the applicant being able to do light work? Has the doctor failed to provide details about how the person's medical condition(s) prevent them from working? If so, the Ministry could use these and any other issues noted in the Ministry's denial letter as reasons for denying the application.

2. Section Three of the form is completed by explaining the barriers the person faces in finding or keeping a job. They should give concrete examples of any problems they have had managing their health or pursuing any work. They can also make reference to any medical letters that have been obtained and reiterate that this new information confirms they meet all the PPMB eligibility criteria.

Section Four: This section is also completed by the applicant. They must sign the form, date it and include their phone number if they have one.

Helping clients to obtain supporting documentation

Reconsiderations are usually granted based on supporting medical information included with the Reconsideration Request. An advocate can play an important role in helping a person in obtaining this information.

Review the file with the client

- Sit down with the person and review all the different parts of the application: the PPMB Medical Report and Employment Screen. Ask the client whether the

information on these forms is accurate and complete—often the client will identify things that have been missed.

- Consider the denial letter. Two of the most frequent reasons for denial are:
 - The doctor has not confirmed that the medical condition will continue for at least 2 more years.
 - The Ministry believes that the medical condition does not prevent the applicant from engaging in employment activities.

If a Reconsideration request is going to be successful, all the Ministry's reasons for denial must be addressed.

Obtaining a doctor's letter

In PPMB cases, medical opinions are important as the reasons for denial are often based on what the doctor has written or failed to write about the applicant's medical condition and how it restricts their ability to work.

The advocate can help a person write a letter that they can take to their doctor. This letter should identify the eligibility requirements for PPMB that are in question and ask the doctor to confirm that the applicant does indeed meet these eligibility requirements. Often this letter will ask the doctor to provide details that were not included on the PPMB application, for example, to list all the health-related restrictions to work.

A sample doctor's letter is contained in appendices of this Guide.

Other support letters

In addition to a doctor, other people may be able to provide supporting information that will help the PPMB reconsideration. A training consultant, for example, might write that the person was not able to complete a training course due to medical reasons. Remember, the Ministry places more value on some kinds of information than others—a professional's opinion will have more weight than the opinion of a client's friend.

Checklist

When the Request for Reconsideration is ready to be filed with the Ministry, the applicant should have a package that includes:

- A completed Request for Reconsideration form that the applicant must sign.
- A letter from the applicant's doctor confirming that they meet the PPMB criteria or requirements.
- Any other supporting information that describes the applicant's work limitations.

Photocopy the completed Request for Reconsideration form and all the other documents that are being provided to the Ministry. The Ministry office should date stamp the form when it is taken in.



Frequently Asked Questions

Q. What if the Ministry does not give the client all the relevant documents?

A. When a person asks for a Request for Reconsideration form, he/she should be given all the information relating to the issue under appeal, including the PPMB Medical Report, Employment Screen and any other documents the Ministry used to make its decision. If this documentation is not given to the client, the local office should be contacted immediately so they can provide this information.

Q. Who makes the Reconsideration decision?

A. The Reconsideration Unit oversees all PPMB Reconsideration Requests. The Unit can be contacted at: tel: 1-250-356-7993 or fax: 1-855-771-8784.

Q. If the applicant is not ready by the deadline of 20 business days, can extra time be granted?

A. Yes, the Ministry can grant 10 more business days to submit supporting documentation. In these situations, the Request for Reconsideration form should be submitted to the local office or the Reconsideration Unit office by fax stating clearly that extra time is needed to submit supporting information. Once the supporting information is obtained, it should be sent to the Ministry immediately.

Q. What if the doctor does not provide the information needed?

A. Often a doctor will fail to provide supporting documentation because they do not have the time to write a letter. An advocate can help by identifying the key eligibility issues and suggesting to the doctor appropriate responses. The client may also wish to have a frank discussion with their doctor. In the event that a support letter is not forthcoming, other sources of information may be pursued (and extra time requested if needed).

Q. What if a client who has been on PPMB is denied on re-application?

A. In these cases, the implication is that the person's medical condition has improved to the extent that he/she is now capable of pursuing gainful employment. If the client's condition or circumstances has not significantly improved, then this should be one of the main areas the advocate addresses.

Q. If a client has worked, does it mean they can no longer qualify for PPMB?

A. Not necessarily. A person on PPMB is allowed a \$500 per month earnings exemption. If a client has engaged in occasional employment while on PPMB, their medical condition may still prevent them from “searching for, accepting or continuing in employment.”

Q. Can the Ministry deny someone PPMB solely because they do not score 15 on the Employability Screen?

A. No. An applicant who scores under 15 on the Employability Screen has a stricter “unemployability” test: their medical condition must preclude them from searching for, accepting or continuing in employment. Someone who scores 15 or over must have a medical condition that seriously impedes them from searching for, accepting or continuing in employment and they must have taken reasonable steps (the reasonable steps only apply to people who score over 15) to overcome the barriers to work.



On-Line Resources

For various community resources, go to: www.povnet.org.

“Your Welfare Rights: A Guide to BC Employment and Assistance” can be found on the Legal Services Society website at www.lss.bc.ca, under publications.

For information on MSDSI policy, programs and services, the Online Resource serves as the public entry point. www.gov.bc.ca/meia/online_resource.

You can see BC’s income assistance acts and regulations at www.eia.gov.bc.ca/ministry/leg.htm.

Appendices

PPMB Definition

Persons With Persistent & Multiple Barriers to Employment (PPMB)

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, or (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 1 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. (B.C. Reg. 263/2002)

Letter to Doctor

Date

Dear Doctor,

Re: John Kelly

Mr. Kelly recently had his application for PPMB (Persistent Multiple Barriers to employment) denied by the Ministry of Social Development. He has asked for my assistance with a reconsideration. In order to have any chance of success, he will need a doctor's letter that addresses a couple of key issues, so I have composed a letter with some questions that I hope you will be able to answer.

In order to obtain PPMB benefits (which grants about \$50 more per month and better medical coverage), it must be confirmed that Mr. Kelly's medical condition – not problems arising from addiction issues - precludes him from securing **or** sustaining any kind of employment. The Ministry is looking for more information about how his medical condition restricts his ability to work.

The Ministry, in the denial letter, has assumed that the restrictions you have listed in the application are not severe enough to prevent him from working. I do not think that this assumption is correct so the questions I have put together are designed to clarify this matter. I hope that your response will make it clear to the Ministry that it is your patient's health-related restrictions do prevent him from working. You may also want to talk to Mr. Kelly about this matter.

Thank you for taking the time to review this request. As the time lines for are very short, if you agree to complete the attached letter, please return it to Mr. Kelly as soon as possible. (Regrettably, our non-profit agency does not have funds to pay you for this letter)

Once again, thank you for helping your patient with this issue.

Sincerely,

Advocate

Questionnaire for Doctor

To Whom It May Concern:

**Re: John Kelly
Person with Persistent Multiple Barriers to employment (PPMB)**

The following questions are posed to the above person's doctor to assist in determining eligibility for the PPMB benefit:

What symptoms or health limitations that arise from your patient's medical conditions restrict his ability to work?

Are his health-related restrictions severe enough to preclude him from searching for, accepting, or continuing in employment in the foreseeable future?

Physician's signature

Date

Office Stamp:



EMPLOYMENT AND ASSISTANCE REQUEST FOR RECONSIDERATION

USE ONLY WHEN ICM NOT AVAILABLE

SECTION 1 and 2 TO BE COMPLETED BY WORKER

SECTION 1 REQUESTOR INFORMATION

REQUESTOR'S NAME	SOCIAL INSURANCE NUMBER	FILE NUMBER
<input type="text"/>	<input type="text"/>	<input type="text"/>
REQUESTOR'S ADDRESS		
<input type="text"/>		
WORKER'S NAME	WORKER NUMBER	EMPLOYMENT AND ASSISTANCE OFFICE
<input type="text"/>	<input type="text"/>	<input type="text"/>

SECTION 2 DECISION TO BE RECONSIDERED

ASSISTANCE / ELIGIBILITY HAS BEEN: DENIED DISCONTINUED REDUCED PWD RESCIND

THE ACT AND / OR REGULATIONS THAT APPLY TO THIS DECISION ARE:

RELEVANT DATES:	MONTH DECISION EFFECTIVE (YYYY MMM DD)	DATE REQUESTOR INFORMED OF DECISION (YYYY MMM DD)
	<input type="text"/>	<input type="text"/>
		DATE REQUESTOR MUST SUBMIT FORM BY (YYYY MMM DD)
		<input type="text"/>
EMPLOYMENT AND ASSISTANCE WORKER SIGNATURE		DATE (YYYY MMM DD)
<input type="text"/>		<input type="text"/>

USE ONLY WHEN ICM NOT AVAILABLE

SECTION 3 REASON FOR REQUEST FOR RECONSIDERATION

(TO BE COMPLETED BY THE REQUESTOR ONLY AFTER SECTIONS 1 AND 2 HAVE BEEN COMPLETED BY WORKER)

SECTION 4 NOTICE OF REQUEST FOR RECONSIDERATION

(ATTACH ADDITIONAL PAGES IF REQUIRED)

(TO BE COMPLETED BY THE REQUESTOR)

IMPORTANT: The request to have the Ministry decision reconsidered must be submitted to your Employment and Assistance Office within 20 business days of when you receive the decision concerning eligibility. (see "Date Client Informed of Decision" box on page 1)

I hereby give notice that I am dissatisfied with the Ministry decision regarding my request for assistance or supplement and wish to exercise my right to request a reconsideration of this decision. I have attached all relevant documents I wish to have considered.

REQUESTOR'S SIGNATURE	TELEPHONE	DATE (YYYY MMM DD)
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Personal information on this form is collected under the authority of the *Employment and Assistance Act* and the *Employment and Assistance for Persons with Disabilities Act* and the *Child Care Subsidy Act*. This information will be used to assess your request for a reconsideration of a decision. The disclosure of personal information is subject to the provisions of the *Freedom of Information and Protection of Privacy Act*. For more information about the collection, use and disclosure of this information, please contact your local Employment and Assistance Office.

USE ONLY WHEN ICM NOT AVAILABLE

EMPLOYMENT AND ASSISTANCE REQUEST FOR RECONSIDERATION

If you are dissatisfied with a ministry decision, you may request a reconsideration of the decision.

To notify the ministry that you want to have the decision reconsidered you must submit an Employment and Assistance Request for Reconsideration form. Your Employment and Assistance Worker will complete sections 1 and 2 of the form. Section 2 explains what the ministry decision is, states the month it is effective and the legislative authority on which it was based. You must complete sections 3 and 4 and return the form, along with all relevant documents you wish to have considered, to your Employment and Assistance Office within 20 business days of being notified of the ministry decision.

Upon submitting your Request for Reconsideration, a representative of the Reconsideration and Appeals Section will reconsider the ministry decision. The reconsideration decision will be made within 10 business days from the date the ministry receives the completed Request for Reconsideration form, or within 20 business days if an extension is requested and granted. You will be informed in writing of the reconsideration decision.

It is important that you submit all relevant documents relating to your request along with your Request for Reconsideration form in order to ensure that all pertinent information is considered by the Reconsideration and Appeals Section. You are encouraged to attach a written submission with your request. If you need assistance in preparing your submission, you may contact your local Employment and Assistance Centre for a list of local community law offices or community advocacy groups.

The written submission should include:

- the issue (as you see it) that you are asking the Ministry to reconsider.
- any provision of an Act or Regulation you feel is relevant to your request.
- reasons why you think the ministry decision is incorrect.
- copies of any documents supporting your request.

If you are dissatisfied with the outcome of the reconsideration, you may appeal to the Employment and Assistance Appeal Tribunal.

The ministry decision stands until a final decision is made. If the ministry decision is to reduce or discontinue your assistance, you may be eligible to receive a reconsideration/appeal supplement during the reconsideration/appeal. However, you must agree in writing to repay the amount if the final decision does not approve your request. If the final decision approves your request, you do not have to repay the reconsideration/appeal supplement.

Pursuant to subsection 22(4) of the *Employment and Assistance Act*, a tribunal panel may admit as evidence only:

- (a) the information and records that were before the minister when the decision being appealed was made, and**
- (b) oral or written testimony in support of the information and records referred to in paragraph (a).**

CONSEQUENTLY, IT IS IMPORTANT THAT YOU SUBMIT ALL RELEVANT INFORMATION WITH YOUR REQUEST FOR RECONSIDERATION.