

Welfare and Disability Benefits: PWD

As of September 2002, the Employment and Assistance for Persons with Disabilities Act (EAPWD Act) sets the rules about who can get disability assistance. This fact sheet provides information about the Person with Disabilities (PWD) benefits (formerly Disability Benefits Level II or DB2).

Applying for Persons with Disability (PWD) benefits

To apply for Persons with Disability (PWD) benefits you have to go to an office of the Ministry of Human Resources (MHR) to get an application form. This form must be signed by an Employment and Assistance Worker (EAW) — the MHR staff person who deals with your welfare file — when they give it to you. When you pick up the form, the ministry will open a file for you so they have a record of your application, whether or not you are now receiving money from MHR.

Most of the time, MHR will want you to go to an orientation when you apply for PWD benefits, although in some cases this is not necessary. You may also have to complete a three-week work search, unless MHR is satisfied these conditions should not apply. It is important to tell MHR if you think you have a reason to be excused from the work search or orientation. Usually you will need a note from a doctor explaining why you cannot do a work search or attend an orientation.

Orientation

You do not have to go to an orientation if you —

- have a mental or physical condition serious enough to prevent you from completing it,
- are 65 years or older,
- do not have an immigration status that qualifies you for welfare (for example, you are a visitor or currently have no immigration status), or

- completed an orientation within the 60 days before you apply for PWD benefits. (Employment and Assistance for Persons with Disabilities Regulation [EAPWDR], section 4[3])

MHR has a policy of doing orientations by computer if possible. If you do an orientation online, read all the text carefully and ask MHR staff or an advocate to explain anything you do not understand.

Three-week work search

If you are applying for PWD benefits, you do not have to do the three-week work search if you —

- are 65 years or older;
- have a drug and alcohol problem, a mental condition, or a medical condition serious enough to interfere with your ability to work or look for work;
- are in drug or alcohol treatment, approved by MHR, that interferes with your ability to work or look for work;
- are in a hospital, acute care, or continuing care facility;
- are applying as a single person but have a child, foster child, or a child in the home of a relative who is less than three years old, or who has a physical or mental condition that stops you from leaving home to work or look for work;
- do not have an immigration status that qualifies you for welfare (for example, you are a visitor or currently have no immigration status); or
- have left an abusive spouse in the last six months, if the abuse or separation interferes with your ability to work or look for work. (Employment and Assistance for Persons with Disabilities Act [EAPWDA], section 12[1]; EAPWDR, section 25[4])

It is MHR policy that women in transition houses are not required to do the work search. (BC Employment and Assistance Manual [Manual], section 6; MHR Practice Advisory #12)

Even if you do not have to do the work search, you will most likely be required to have an orientation (unless you fall into one of the categories listed previously) and to wait for three weeks to fill out a welfare application form.

MHR will not pay you during your three-week work search or waiting period. If you need assistance urgently, you can apply for an emergency needs assessment to get an earlier application date (see *Welfare fact sheet #1: Applying for Welfare*).

Qualifying for PWD benefits

Basic requirements

To qualify for Person with Disabilities (PWD) benefits, you must —

- be 18 years of age or older,
- have a severe mental or physical impairment that a doctor says is likely to continue for at least two years,
- be directly and significantly restricted in your daily living activities (continuously or for extended periods) by your impairment and have the support of a health professional for this diagnosis, and
- need help or supervision from another person because of your disability. (EAPWDA, section 2)

According to MHR, you qualify as needing help with your daily living activities if to complete these activities you need an assistive device (for example, a walker), an assistance animal, or significant help or supervision from another person. Whether or not you actually receive assistance now is not how MHR decides if you qualify for PWD benefits. The important factor is that you need this assistance to complete daily living activities.

The application form for PWD benefits also asks if it takes you longer than other people to complete daily living activities. Be sure to answer this question in your application.

Employment

Although most people applying for regular welfare are required to have worked for two years before they apply, this rule does not affect people asking for PWD benefits.

Assets and income

The rules about what assets and income you are allowed to have when you are applying for or receiving PWD benefits are listed in *Welfare fact sheet #4: Welfare and Exemptions*.

Making the best application

It is very important to give MHR as much information as possible about your disability when you first apply for PWD benefits. The more supporting information you include with your application, the better chance you have of convincing MHR that you should receive PWD benefits. Providing detailed and thorough information with your application also helps if you have to appeal a decision to deny you PWD benefits.

The application form for PWD benefits is over 20 pages long and includes three sections. It is a good idea to photocopy the form and use one copy to write a rough draft of your answers. Then fill in the clean copy of the form to submit to MHR.

Section 1

The first section asks for information about your condition and how it affects your daily living activities. MHR says that you do not have to fill out this section, but advocates for people with disabilities strongly advise you to fill it out as completely as possible. It is important to take some time to think about how your condition(s) affects your life. It can also be useful to talk to friends and family about this. They may remind you of difficulties you face that you have become used to dealing with.

When you are filling out this section, consider how you cope with the following daily living activities and set out the assistance you need to accomplish them:

- Preparing meals
- Performing personal hygiene and other self-care tasks (for example, taking a bath)
- Keeping your home clean

- Moving about indoors and outdoors
- Shopping for personal needs
- Using public or personal transportation
- Managing personal finances

If you have a mental impairment, you might also need help with tasks such as:

- Making decisions about personal finances, personal care, or other activities
- Communicating or interacting effectively with others
- Managing personal medication
- Keeping track of medical appointments

Some groups have longer checklists that you can consult when filling out this section of the application form (see the contact information at the end of this fact sheet).

Your draft of this section can be very helpful to your doctor and assessor when they fill out the other two sections of the application form. Some advocates suggest that you use this section to explain anything that you think the doctor or assessor did not fully explain.

It could help your application to attach supporting letters from friends or family that describe how your condition restricts your daily living activities and how much help you need because of your disability.

Section 2

Your doctor must complete the second section. Before the doctor fills out this section, it is best to talk with him or her about the form and go over what you have put in Section one. This is especially important if you do not have a family doctor or use a drop-in clinic. You know best how your condition affects your ability to complete daily living activities, so it is up to you to give as much information as possible to your doctor.

It is important to have the support of your doctor when completing this application form, so it is worth taking some time to explain what you are asking for and to thank the doctor for his or her help.

Doctors can make a claim to the Medical Services Plan for filling out this section (\$130). If your doctor also fills out both sections 2 and 3 of the application, he or she can claim \$180.

Section 3

The third section should be filled out by someone who knows you and understands your condition. This person must be a doctor, occupational therapist, physical therapist, social worker, registered psychologist, nurse, or psychiatric nurse. Your Employment and Assistance Worker (EAW) cannot be an assessor. An assessor can make a claim to MHR (\$75) for filling out this section.

Once you have filled out the application for PWD benefits and have all the supporting letters you think you need, make a copy of all the papers to keep for your records. You can mail the application to MHR in the envelope that comes with the form. Be sure to make a note of the date you mail the application. It may take MHR two or three months to process your application and send you a letter with their decision about your case.

If your application is approved, you should start getting more money on your next welfare cheque. You can also apply for a subsidized bus pass. Other benefits such as enhanced medical coverage should start automatically once you are approved for PWD benefits. If you don't get money the month after you receive an approval letter from MHR, contact the office to find out what is happening.

If MHR turns down your application for PWD benefits, you have the right to appeal.

Appealing a decision

The first step in any appeal is to ask for a reconsideration. To do this, you must fill out what is called a Reconsideration Request. You can get the request form from MHR. You have 20 business days from the day you receive a letter telling you that your application was rejected to give MHR your Reconsideration Request and any information that supports your application. When you are informed of the decision against you, be sure to ask your EAW what was missing from your application so that you can gather this information and include it with your Reconsideration Request. The missing information is often from a doctor or another professional, so be sure to contact them as soon as possible so they have time to prepare the information you need to submit with the request form.

It is important to submit a strong case because later decisions will refer to the information you include with your Reconsideration Request. If possible, get the help of an advocate in preparing the request form. Reconsiderations of most matters connected with PWD benefits are handled by the Health Assistance Branch in Victoria. They must send you a written decision about your case within 10 days of receiving your Request for Reconsideration (see *Welfare fact sheet #8a*). (EAPWDR section 71 and 72)

If you miss the deadline for a reconsideration, you also have the right to reapply for benefits if you have new information about your disability that you can put in your application.

If you are not successful at the reconsideration level and do not have new evidence that would justify a new application, you can appeal to the Employment Assistance Tribunal (see *Welfare fact sheet #8b*).

PWD rates

Category	Support allowance	Shelter allowance	Total payment
Single person on PWD benefits	\$461.42	\$325.00	\$786.42
Couple (both on PWD benefits)	\$809.06	\$520.00	\$1,329.06
Single parent (on PWD) and 1 child	\$555.08*	\$520.00	\$1,075.08
* The support allowance does not increase the more children you have. The BC Family Bonus or Canada Child Tax Benefits are not included in the support allowances shown here.			

This fact sheet refers to the acts and regulations that set out the law about welfare in BC. It also refers to the BC Employment and Assistance Manual. The manual is not law, but sets out the ministry's interpretation of the law.

If you have access to the Internet, you can find the acts and regulations referred to in the fact sheets at <http://www.mhr.gov.bc.ca/publicat/vol1/Part3/3-2.HTM> . If not, ask for help at your public library.

For more help understanding the law and ministry policy, talk to an advocate. Visit <http://www.povnet.org/> and click on "Find an Advocate" in the left-hand column to see a map of advocates in BC, or contact your local library to find a community group that can help you. To get updates on the law about disability assistance contact the BC Coalition for People with Disabilities at (604) 872-1278 or online at <http://www.bccpd.bc.ca>

This information comes from reliable sources. However, more information is coming out regularly. Please watch the LSS website (<http://www.lss.bc.ca>) or the PovNet website (<http://povnet.org>) for up-to-date information and new fact sheets.



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