

Re-application Adjudication Summary

MEMBER ID:	Adjudicator #:	
APPLICANT'S NAME:	ICD 9:	(1) 300.02 (2) 311.00
Age at Date of Decision:	Gender:	
DECISION: Not a Person with a Disability	Date of Decision:	December 09, 2011

CONDITIONS:

The following conditions have been verified on the Health Status Report, Activities of Daily Living Index and/or enclosed supporting documents:

1. General anxiety disorder
2. Depression

IMPAIRMENTS:

The following impairments were verified by approved health professionals and are expected to last one year or more and are continuous or recurrent:

1. Cannot focus, panic attacks
2. Not motivated, constantly tired, cannot focus

The Disability Adjudication Unit has concluded that the above mentioned impairments are not substantial.

This adjudication decision is based on the HSR form dated April 20, 2011. No additional medical documentation was provided. The application was completed by a medical doctor who has known the applicant for 3 years.

Generalized Anxiety Disorder (GAD)

Inability to focus and panic attacks are listed as impairments related to this condition. No pharmacotherapy is listed on the HSR and it is acknowledged that the verifying physician indicates that the applicant is unable to tolerate antidepressants due to side effects. It should be noted that in order to be effective, the treatment of psychological conditions often require trials of a number of different medications that are each titrated to find the best fit without side effects for the specific patient. In the HSR in question, there is no indication as to what medications have been previously attempted and no note related to the titrations used for these medications. There is no indication that all conservative options for the management of this condition have been exhausted and there is nothing to indicate that this applicant will not respond to said approaches. Psychiatry services have been proposed but no reports accompanied the application in this regard despite attempts to obtain same. There is no indication that this condition has required crisis intervention. It is acknowledged that the IEWS reflects a profile of severe (bodily functions, emotion, and motivation), moderate (consciousness, impulse control, intellectual function, and motor behaviour), and mild symptoms (lack of insight and memory). However, based on the management to date, these scores are considered disproportionate. As a result, this condition cannot be considered to result in a substantial impairment at this time.

Depression

Lack of motivation and focus, as well as constant fatigue are listed as impairments for this condition. Similar to the applicant's GAD described above, there is no pharmacotherapy listed in the management of this condition; there have been no past psychotherapy services incorporated into the management of this condition (although as mentioned, a proposal in this regard is indicated); and it appears that to date, not all conservative approaches have been exhausted in the management of this condition. The IEWS scores are again acknowledged, but are also considered disproportionate to the current management of this condition. As a result, this condition also cannot be considered to result in a substantial impairment at this time.



Ontario

Ministry of Community
and Social Services

Ministère des Services
sociaux et communautaires

Ontario Disability Support Program
Disability Adjudication Unit

Box 818
Toronto, ON, M7A 1R3
Tel: (416) 326-5079
1 888 256-6758
Fax: (416) 326-3374
TTY: (416) 326-3372

February 21, 2012

Gravenhurst ON P1P 1P6

RE:

Dear

I am writing to you about your request for an internal review of the decision about your application for income support from the Ontario Disability Support Program (ODSP).

We received your completed application on April 4, 2011 and made a decision that you do not meet the program's definition of disability. On February 10, 2012 you asked for an internal review of that decision.

We have completed the internal review and confirmed our original decision:

You do not meet the program's definition of a person with a disability (as defined under subsection 4(1) of the Ontario Disability Support Program Act, 1997). This is because you do not have a substantial physical or mental impairment that is continuous or recurrent.

As a result, you do not qualify for ODSP income support.

IF YOU DO NOT AGREE WITH OUR DECISION

If you do not agree with the results of the internal review, you may appeal this decision to the Social Benefits Tribunal. You must appeal by March 22, 2012.

You can provide additional medical information that you think may help in your appeal. Make sure you provide this information to both the Social Benefits Tribunal and the Disability Adjudication Unit at least 30 days before your appeal hearing.

We have included information on how to appeal a decision to the Social Benefits Tribunal with this letter.

IF YOU HAVE QUESTIONS OR NEED MORE INFORMATION

If you have any questions about your internal review, please contact the Disability Adjudication Unit at:

416-326-5079 (Toronto)
1-888-256-6758 (Toll Free)

TTY users can call:
416-326-3372 (Toronto)



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Toronto, ON, M7A 1R3
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1-888-256-6758
Fax: (416) 326-3574
TTY: (416) 326-3372

October 18, 2011

Gravenhurst ON P1P 1P6

RE:

Dear

I am writing to you about your application for income support from the Ontario Disability Support Program (ODSP).

We received your completed application on April 4, 2011. We have reviewed your information and find that:

You do not meet the program's definition of a person with a disability (as defined under subsection 4(1) of the Ontario Disability Support Program Act, 1997). This is because you do not have a substantial physical or mental impairment that is continuous or recurrent.

As a result, you do not qualify for ODSP income support.

IF YOU DO NOT AGREE WITH OUR DECISION

If you do not agree with our decision about your disability, you can ask us to review it. This is called an internal review.

You must ask for an internal review in writing by November 21, 2011. If you miss this deadline, you can still ask for an internal review, but you will need to explain why you were late. If you were late for a reason beyond your control, we may be able to do an internal review even if the deadline has passed.

When you ask for an internal review, you can also provide us with additional medical information about your disability. This information could be x-ray reports, specialist reports or test results.

If we do not change the decision after the internal review, you can appeal to the Social Benefits Tribunal. If you do not ask for an internal review, this decision will be final.

We have included information on how to ask for an internal review and appeal a decision with this letter.

IF YOU HAVE QUESTIONS OR NEED MORE INFORMATION

If you have any questions about this decision, please contact the Disability Adjudication Unit at:

416-326-5079 (Toronto)

THE INTERNAL REVIEW PROCESS

If you do not agree with a decision about your Ontario Disability Support Program (ODSP) application, you can ask for a review of our decision. This is called an internal review.

The person who does the review will not be the same person who made the first decision about your case. You have to ask for an internal review before you can appeal to the Social Benefits Tribunal.

What you need to do

Your request for an internal review must be in writing. We must receive your request within 30 days of when you get the decision letter.

To make your request, you can write a letter or fill out a Request for Internal Review form. You can get this form from your local Ontario Disability Support Program office or from the ministry's website (www.mcss.gov.on.ca/mcss/english/resources/forms).

If you write a letter, you should:

- say "I am requesting an internal review"
- explain why you do not agree with the decision that was made (optional)
- attach any additional medical information that you think may help in the review
- include your full name, member ID (found on the decision letter), signature and the date.

Please mail or fax your internal review request within 30 days of receiving the decision letter to:

Ontario Disability Support Program
Disability Adjudication Unit
Box B18, Toronto, ON M7A 1R3
Fax: 416-326-3374

Things to keep in mind

- If you cannot send us your request within 30 days because of reasons beyond your control, we may still do an internal review. Tell us in your request why you need more time.
- Keep a copy of your request - you will need it later if you appeal the decision to the Social Benefits Tribunal.
- If you withdraw your request, you will not be able to appeal the decision to the Social Benefits Tribunal.

Results of the internal review

The Disability Adjudication Unit should give you the results of the internal review within 10 days of receiving your written request. If you do not receive the results of your review within 10 days, you can appeal to the Social Benefits Tribunal.

THE SOCIAL BENEFITS TRIBUNAL APPEAL PROCESS

You have 30 days to appeal to the Social Benefits Tribunal. Here is how it works:

- If you receive a letter telling you the results of the internal review, you have 30 days to appeal from the day you receive the letter.
- If you do not receive a letter telling you the results of the internal review within 10 days of your request being received, you have 30 days to appeal once the 10 days have passed.

What you need to do

To make an appeal, you need to fill out an Appeal Form and mail, fax or hand deliver it to the Social Benefits Tribunal. You can get an Appeal Form from your local Ontario Disability Support Program office, from the Social Benefits Tribunal or on their website:

Social Benefits Tribunal
7th Floor, 1075 Bay Street
Toronto, ON M5S 2B1
1-800-753-3895 (Toll Free)
1-800-268-7095 (Toll Free TTY)
Website: www.sbt.gov.on.ca

Things to keep in mind

- Any additional medical information about your disability must be provided to both the Social Benefits Tribunal and the Disability Adjudication Unit at least 30 days before your appeal hearing.
- If you would like advice from a community legal clinic you can contact Legal Aid Ontario at 416-979-1446 (Toronto) or 1-800-668-8258 (Toll Free) TTY users can call 416-598-8867 (Toronto) or 1-866-641-8867 (Toll Free TTY). You can also contact them online at www.legalaid.on.ca or by e-mail at info@lao.on.ca.