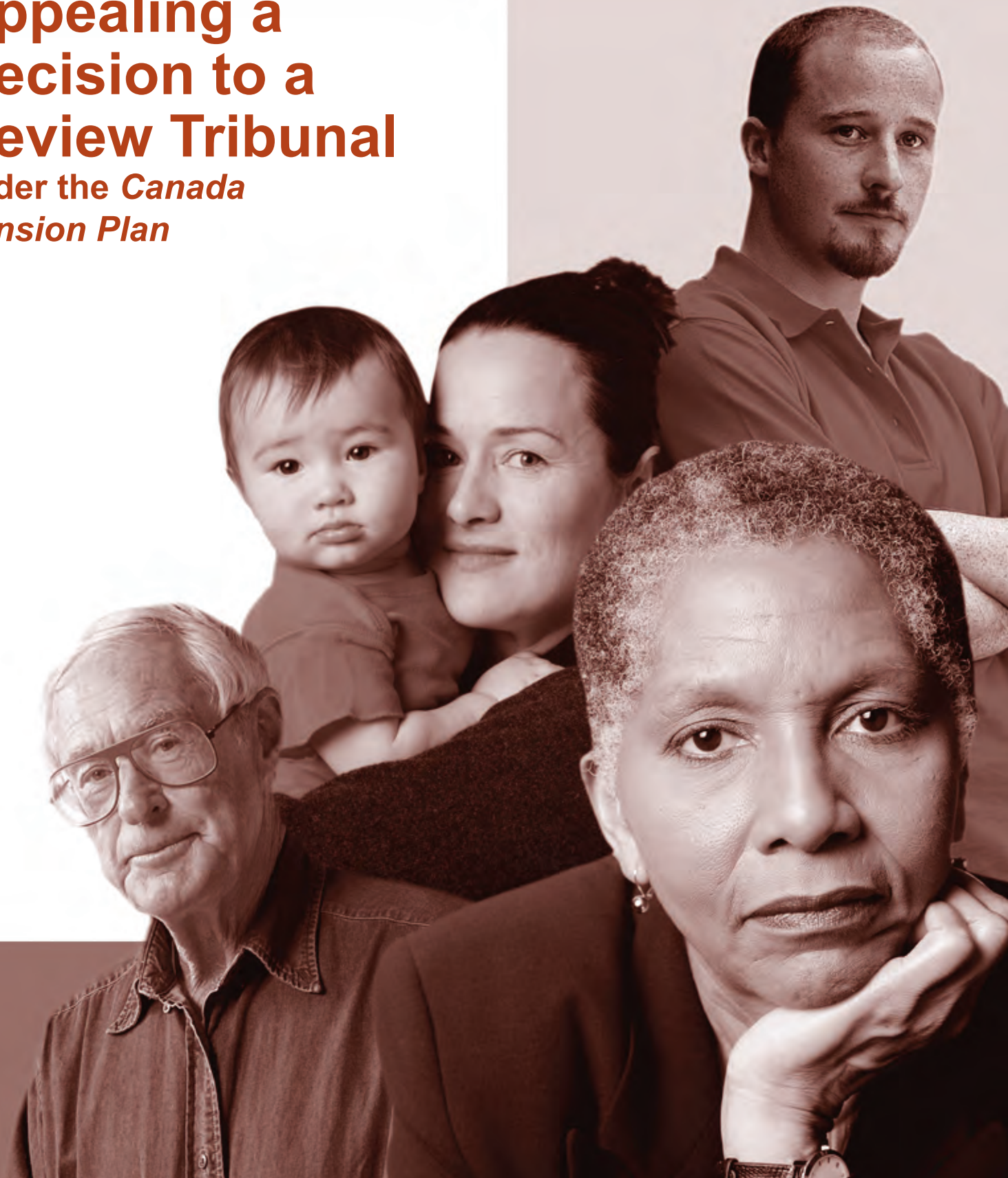


# Appealing a Decision to a Review Tribunal under the *Canada Pension Plan*



## How to contact us

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If you have more questions after you read this brochure, please contact us at the Office of the Commissioner of Review Tribunals *Canada Pension Plan/Old Age Security (CPP/OAS)*:

**By mail:** Office of the Commissioner of Review Tribunals  
*Canada Pension Plan/Old Age Security (CPP/OAS)*  
PO Box 8250, Station T  
Ottawa, ON K1G 5S5

Please include your:

- name, address, telephone number with area code
- Social Insurance Number (SIN) or Appeal Number

Your Appeal Number is located in the top right corner of all letters from our office.

**By telephone:** 1-800-363-0076 - free of charge in Canada and USA  
(outside of Canada and USA, call collect 1-613-946-0320)  
7:00 a.m. to 6 p.m. Eastern Time - Monday to Friday

**By TTY:** 1-866-203-7625 - free of charge in Canada and USA  
(outside of Canada and USA, call collect 1-613-954-5178)  
7:00 a.m. to 6 p.m. Eastern Time - Monday to Friday

When you call us, please have your Appeal Number ready.

**By fax:** 1-866-263-7918 - free of charge in Canada and USA

**By e-mail:** [info@ocrt-bctr.gc.ca](mailto:info@ocrt-bctr.gc.ca)

When you send us a fax or e-mail:

- include your name, address, telephone number, and Appeal Number so we can contact you
- do not include your Social Insurance Number or personal information in your e-mail (because it is not a secure site)

**If you move:** Be sure to give our office your new address and telephone number. If you do not have a telephone number, we need the name and telephone number of a person we may contact if we need to get in touch with you.

This booklet also is available on audiocassette and in Braille.

Produced by: Office of the Commissioner of Review Tribunals CPP/OAS – January 2010

Aussi disponible en français sous le titre : « Appel d'une décision auprès d'un tribunal de révision en vertu du *Régime de pensions du Canada* »

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ISBN: HS59-2/2010E 978-1-100-14650-8

# Table of contents

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<b>Introduction - Appealing a decision about your benefit</b> .....	<b>2</b>
Helpful tools .....	3
<b>About us</b> .....	<b>4</b>
Our purpose .....	4
Our responsibilities .....	4
<b>What is a Review Tribunal?</b> .....	<b>5</b>
A Review Tribunal can: .....	5
A Review Tribunal cannot: .....	5
<b>Who are the parties to an appeal?</b> .....	<b>6</b>
Added Parties .....	6
<b>Preparing for your hearing</b> .....	<b>7</b>
<b>Presenting your case</b> .....	<b>7</b>
If you present your own case .....	7
If you ask someone to present your case for you .....	8
Obtaining a representative .....	8
<b>At the hearing</b> .....	<b>9</b>
We will pay for a professional interpreter .....	9
Travel and special needs .....	9
<b>What happens at the hearing</b> .....	<b>10</b>
Your hearing is private and confidential .....	10
Getting started .....	10
If someone does not show up .....	10
Presenting information .....	11
<b>Changing your hearing date</b> .....	<b>11</b>
Before the hearing date .....	11
On the day of the hearing .....	11
<b>We help with some costs - ask us</b> .....	<b>12</b>
If you live in Canada .....	12
If you live outside of Canada .....	12
<b>The Tribunal's decision</b> .....	<b>13</b>
<b>The appeal process at a glance</b> .....	<b>14</b>
<b>Frequently Asked Questions</b> .....	<b>18</b>
<b>Glossary</b> .....	<b>21</b>

## Introduction - Appealing a decision about your benefit

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You have appealed to the Office of the Commissioner of Review Tribunals (OCRT) because you are not satisfied with a decision made by Human Resources and Skills Development Canada (HRSDC) about your *Canada Pension Plan* (CPP) or *Old Age Security* (OAS) benefit.

This brochure explains the important things you need to know about your appeal, including:

- the role of the OCRT and of HRSDC
- the appeal process
- what to expect before, during and after the hearing

### Would you like a quick glance at the appeal process?

Please refer to page 14 for a quick snapshot of the appeal process designed to prepare you for your hearing. It will provide you with approximate timeframes and step-by-step details including what you need to do.

Remember, your appeal is your chance to explain to an independent and impartial Review Tribunal why you believe you meet the requirements for the benefit. The Tribunal does not act on behalf of the Appellant, the Minister of HRSDC or any other party to the appeal. It will hear all the parties and will take a fresh look at your case. Therefore, you need to be prepared to explain clearly why you feel you should receive the benefit you applied to HRSDC for.

If you live outside of Canada, you must complete the questionnaire *For Those Living Outside of Canada*. We sent it with your acknowledgement letter. It is also available on our website: [www.reviewtribunals.gc.ca](http://www.reviewtribunals.gc.ca).

To help you better understand terms used in the appeal process, you will find a glossary at the end of this brochure.

## Helpful tools

In addition to this brochure, there are other tools to help you prepare.

**Appeal Video:** This video is a fictional story about an Appellant preparing for his hearing. It provides:

- a snapshot of the hearing process
- useful tips to help you understand the hearing process and how to prepare
- answers to questions that are often asked

**Our website:** [www.reviewtribunals.gc.ca](http://www.reviewtribunals.gc.ca) has more information about the appeal process, including:

- forms you may need for your appeal such as the *Notice of Appeal*, the *Authorization to Disclose* and the *Travel Expense Claim*
- links to websites that offer more information on the CPP and OAS legislation and benefits
- documents, publications and news bulletins providing updates from the OCRT
- court decisions that give an idea of how similar cases have been dealt with, which may be helpful for deciding whether to go ahead with an appeal to a Review Tribunal or to prepare an appeal

Our site is always being updated so visit regularly. If you do not have Internet access at home, it may be available at your public library or community centre.

**The Hearing Preparation Workbook:** This workbook helps you understand important information found in your Hearing File. Step-by-step, it will help you review your Hearing File and prepare for your hearing.

## About us

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The Office of the Commissioner of Review Tribunals (OCRT) is responsible for administering appeals to a Review Tribunal. The OCRT organizes a hearing before a Review Tribunal when a person appeals a reconsideration decision made by Human Resources and Skills Development Canada (HRSDC) about their CPP or OAS benefit. The OCRT was not involved in making the decision that you are now appealing.

### Our purpose

The purpose of the OCRT is to resolve appeals fairly, simply and quickly and in accordance with the law.

This means we will:

- respect the dignity of all individuals
- ensure that people are treated equitably
- make reasonable accommodations to enable the full participation in the appeal process of every affected person
- work together, within the laws of Canada, and will act with courtesy, respect and patience towards the people that we serve
- be open and accountable in the performance of our duties

### Our responsibilities

Our responsibilities are to:

- manage the appeal process and ensure that all parties are well prepared to present their case to the Review Tribunal
- select a three-person Review Tribunal to hear and decide your appeal
- arrange a date, time and place for your hearing that is as close to your home as possible and is suitable to all parties
- answer your questions
- send the decision of the Review Tribunal to all parties by registered mail

## What is a Review Tribunal?

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A Review Tribunal is an independent body. The Review Tribunal will conduct a hearing to listen to the evidence presented and make a decision on your appeal. The Commissioner of the OCRT selects the three members to hear an appeal.

The Review Tribunal consists of: a Chairperson, who is always a lawyer and two other members. If your appeal is about a Disability Pension, one of the three members must be a qualified health professional as set by the CPP legislation.

A Review Tribunal makes a decision based on:

- the law governing the *Canada Pension Plan* or *Old Age Security Act*, which defines how a person qualifies for a benefit or pension
- the facts of your particular case, including any new information submitted by any party after the HRSDC decision was made

### **A Review Tribunal can:**

- allow an appeal; that is, reverse or change a decision made by HRSDC
- allow an appeal in part; that is, reverse or change a decision made by HRSDC, but not to the extent requested by an Appellant
- deny the appeal; that is, confirm a decision made by HRSDC
- determine that it has no authority to decide the issue

### **A Review Tribunal cannot:**

- change or ignore a law passed by Parliament
- make a decision based on compassionate grounds only
- hear appeals involving claims of administrative error or incorrect advice by HRSDC on benefit matters
- forgive overpayments

## Who are the parties to an appeal?

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- you, the person making the appeal
- a representative of HRSDC
- an Added Party, any person who may be directly affected by the outcome of your appeal

### Added Parties

An Added Party is most often seen in appeals for a Survivor's Pension, a Death Benefit or a Division of Unadjusted Pensionable Earnings.

For example, if your appeal is about a Division of Pension Credits, one of the issues of your appeal could be the date you separated from your spouse or common-law partner. This means your former spouse or common-law partner would be an Added Party.

If your appeal is about a Survivor's Pension, then determining who is entitled to the benefit could be the issue. In this case, the Added Party can be a former spouse or common-law partner of the deceased.

If the decision of the Review Tribunal in your appeal might affect another person, we notify that person of your appeal by a letter explaining to that person that s/he has been made a party to the appeal. That person is provided with a right to reply to your letter of appeal and send us any supporting information.

The Added Party is also told that s/he has the right to attend the hearing and present evidence and argument. The Added Party receives a copy of the Hearing File sent to you with all the information relating to the appeal. You will receive a copy of any information submitted by an Added Party.



## Preparing for your hearing

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It is up to you to make sure you have the right information to prove your case. Neither the OCRT, nor the Review Tribunal can obtain or request information on your behalf.

When you receive your Hearing File, you will also receive the *Hearing Preparation Workbook*. Follow the workbook carefully – it will help you prepare for your hearing. It will help you understand what you must prove to the Tribunal and how to prove it. This includes:

- providing additional information to support your appeal
- knowing what you and any witnesses should be prepared to discuss at the hearing

## Presenting your case

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You can present your own case or have someone do it for you.

### **If you present your own case**

- make sure you have all the information in your file to support your appeal
- concentrate on what you need to prove to the Tribunal
- you can work with point form notes
- you can bring witnesses
- be ready to answer questions

The Review Tribunal may allow your spouse or someone else to stay with you during the hearing for support.

Witnesses may be asked to wait outside the hearing room until they are called upon to testify. This is referred to as the exclusion of witnesses. It is a procedure that assists the Review Tribunal to better weigh the credibility and reliability of oral evidence.

## If you ask someone to present your case for you

You can appoint a representative to act on your behalf and to present your appeal to the Review Tribunal.

### You may want someone to present your case on your behalf if:

- the thought of presenting your case makes you uncomfortable
- your case is complex
- you want help to obtain information

A representative can be a family member, a friend, a member of your community or an organization, or a professional such as a lawyer or advocate. You should not ask someone to represent you if that person also could be a witness in your case. Your representative must be in the hearing room at all times during your hearing.

We will communicate directly with your representative and provide you with a copy of any letters we send. We will give you and your representative all the information that has been provided to us concerning your case. After the hearing, we will send you and your representative a copy of the decision made by the Review Tribunal.

## Obtaining a representative

Before you obtain a professional representative, you should be clear about any fees you may have to pay. The OCRT does not pay for a representative to help with your appeal.

If you are interested in having a qualified professional represent you, our website has information concerning Legal Aid Resources. If you do not have access to the Internet, please call us and we will provide you with the Legal Aid Resource contacts in your area.

**Let us know right away if you have a representative.** This way, your representative will have plenty of time to prepare for the hearing.

### Privacy

All the personal information we have about you is kept confidential unless we are authorized by you or by law to share it with another party.

We will need your written permission in order to share information or communicate with your representative.

If you have obtained the services of a representative, we will need one of the following:

- a completed copy of the *Authorization to Disclose Form*, which is available on our website: [www.reviewtribunals.gc.ca](http://www.reviewtribunals.gc.ca). You can also call us and we will send you the form
- a letter or fax signed by you with the name, address and telephone number of the person who will be representing you for this appeal
- a letter from your lawyer

If you change your representative, you must notify us by letter as soon as possible and give us the name, address and telephone number of your new representative.

## At the hearing

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Hearings are held in a meeting room as close to your home as possible and suitable to all parties. Usually, the meeting room is in a hotel.

The hearing is as informal as possible and takes place in your choice of English or French.

### **We will pay for a professional interpreter**

If you are not completely comfortable in English or French, we will arrange and pay for the services of a professional interpreter. When we first contact you, we will ask if you need a professional interpreter, what language and more importantly the dialect you speak so we can have a professional interpreter at your hearing.

### **Travel and special needs**

If you have some distance to travel, we will make the necessary arrangements required to get you to the hearing. We will also tell you what travel expenses we can pay.

If you have a hearing impairment, we will provide a sign-language interpreter or captioning service. Other arrangements can also be made.

Please do not wear perfumes or scented products as other people at your hearing may be allergic to them.

## What happens at the hearing

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### Your hearing is private and confidential

The only people allowed into the room for the hearing are:

- you
- your representative, if you have one
- anyone you bring with you for support, such as your spouse or a friend if allowed by the Tribunal
- the members of the Review Tribunal
- the representative from Human Resources and Skills Development Canada
- an interpreter if you need one
- any Added Party to the appeal, and representative if s/he has one

Only these people will hear everything that is said at your hearing. Witnesses may be asked to wait outside the hearing room until they are called upon to testify.

### Getting started

The Chairperson will introduce the members of the Review Tribunal and explain how the hearing will proceed.

All witnesses will be asked to make a solemn affirmation. This includes yourself, the representative from HRSDC and an Added Party. Making a solemn affirmation means promising to tell the truth.

### If someone does not show up

If anyone who should be at the hearing does not show up, the Chairperson will make sure everything possible is done to get in touch with that person.

If you are going to be late for your hearing or you will not be able to get there, call your Client Services Officer right away and s/he will let the Review Tribunal know. Depending on the circumstances, the Review Tribunal can decide to go ahead or it could adjourn the hearing. For example, the Review Tribunal can adjourn a hearing because of illness or when weather conditions prevent travel.

## Presenting information

Everyone has a chance to speak. You will be able to explain your position and present your information. Be prepared to answer questions.

### Concentrate on what you need to prove.

For example, if you were refused a Disability Pension because you did not meet the definition of disability of CPP, you should be prepared to explain to the Tribunal how your condition has affected your regular ability to work.

If you have witnesses, they will be able to speak about your situation and provide information to the Review Tribunal in support of your appeal.

The HRSDC representative will then present arguments by referring to the information in the Hearing File and the law that applies to your case.

Any Added Party, or their representative, will then present their position.

The members of the Review Tribunal will ask you questions. The Review Tribunal can also question HRSDC's representative. All parties to the appeal will also be able to ask questions. This includes HRSDC's representative who may question you and your witness.

## Changing your hearing date

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### Before the hearing date

If you cannot be at your hearing for the date or time scheduled, call your Client Services Officer right away. You will need to provide a valid reason to change the hearing date.

### On the day of the hearing

At the beginning of the hearing, any party can ask the Review Tribunal to grant an adjournment. A valid reason must be provided for the adjournment request as well as an explanation as to why the request was not made sooner.

If the hearing is adjourned, the Review Tribunal will notify the OCRT in writing. Once the matter for the adjournment has been addressed, we will contact you to schedule another hearing. Please note that it may take up to six months to reschedule another hearing.

## We help with some costs - ask us

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### If you live in Canada

We **will** pay for:

- travel to and from your home to the hearing
- if you live far from the hearing we can arrange for a hotel room, parking and meals
- photocopying and getting medical records that are already on file with your doctors and hospitals

If you need to travel a long distance and need a hotel room, we can help with some of the costs. Costs can include travel to and from the hearing, a hotel room, parking and meals, which are paid according to guidelines and rates set by the Government of Canada. Please call us first because we must approve these costs before you go to your hearing.

We will send you a *Travel Expense Claim* form with your Hearing File. To be reimbursed, please complete this form after your hearing and send it to us in the return envelope along with all your original receipts.

We will pay the costs of getting and photocopying medical records that are already on file with your doctors and hospitals until the day of your hearing. You must have receipts.

We **will not** pay for:

- the cost of hiring a representative
- the loss of income you could have received while you were at your hearing
- travel and hotel costs for your representative, a witness or anyone else helping with your case
- any costs related to someone accompanying you to your hearing

Contact our office to find out what we can reimburse or if you have questions.

### If you live outside of Canada

A document called *Reimbursement of Expenses to Appellants* is sent to you when we acknowledge your appeal. When we call you, we will tell you what expenses may be covered if you attend the hearing.

## The Tribunal's decision

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After the hearing, members of the Review Tribunal will meet privately to discuss your appeal. Their decision will be based only on the information available to them at your hearing. Do not send the OCRT any information after the hearing. It will be returned to you.

If at least two members of the Review Tribunal decide in your favour, your appeal is allowed. The Review Tribunal sends its decision and reasons to the OCRT, which is responsible for sending the decision to all parties.

If you, HRSDC or an Added Party wish to appeal the Review Tribunal's decision, permission for the right to make an appeal must be made to the Pension Appeals Board. That request, known as 'requesting leave to appeal', must be made within 90 days of receiving the Tribunal's decision.

Information about appealing to the Pension Appeals Board will be sent to you with the Review Tribunal decision.

## The appeal process at a glance

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The Review Tribunal takes a fresh look at your case in a hearing. All the parties have a right to be heard at the hearing.

**This process is designed to prepare you for your hearing. Being prepared means you can present a better case.**

### In the first 30 days

- We receive your letter of appeal.
- We call you to acknowledge receipt of your appeal and to confirm a few other details such as your address and the information that we will send you about the appeal process.
- If you need telephone interpretation to understand our conversation, we will provide it.
- The call is followed by a letter, which also confirms that we have received your appeal.
- Please note that if you have retained a representative to help you with your appeal, we will communicate with your representative instead. In order to do so, we need a signed authorization. A letter from your lawyer is also acceptable.
- We obtain a copy of the information used by HRSDC to make its decision.

### What you need to do

- If we are unable to speak with you when we call, please call us so we can verify your address and talk about other important details.
- Read this brochure and watch the video to get a better understanding of the appeal process.
- If you decide to have someone represent you, we will need a signed authorization to disclose information to your representative. If you have hired a lawyer to represent you, the lawyer can send us a letter.
- Send us any additional information that may support your appeal as soon as possible.



## Within 3 months

- We send you and your representative, if you have one, a package containing the first part of your Hearing File. This part of the Hearing File contains all the information we have received from HRSDC about your appeal.
- In this package, we include a *Hearing Preparation Workbook* to help you better understand your Hearing File and how to start preparing for your hearing.
- We will also tell you the month your appeal may be scheduled. Please call us right away if you can be ready sooner or if you cannot be ready by the month scheduled.
- A Client Services Officer will call you to discuss:
  - the process and the legislation that applies to your appeal
  - that it is your responsibility to prove to the Review Tribunal that you are entitled to the benefit or pension you applied for
  - what you need to do to get ready for your hearing
  - if you decided to obtain the services of a representative
  - if there is information missing from your Hearing File
  - if you will be submitting more information to support your appeal
  - if you intend to have witnesses at your hearing
  - if you have special needs for the hearing, and
  - if you are ready to proceed and have no further documents to submit.
- The Client Services Officer will then send you a letter summarizing the information discussed over the telephone.
- If we can't reach you, the Client Services Officer will send you a letter with the information you need to know.

## What you need to do

- If you have not already done so, you must start preparing for your hearing.
- Use your *Hearing Preparation Workbook* to help you review your Hearing File.
- Make sure you understand the information the Hearing File contains, including:
  - why your application was denied
  - what you need to prove to the Review Tribunal at your hearing.
- You must check to ensure that the information in the Hearing File is complete. If information is missing, contact us.
- Write down any questions you have or what you do not understand to discuss with your Client Services Officer.
- Expect your first call from your Client Services Officer who will discuss information related to your appeal. Be prepared with your questions when we call.
- Let us know if you intend to have any witnesses at your hearing.
- Send us any additional information that may support your appeal as soon as possible.
- If you have obtained the services of a representative, send us an authorization to disclose information. If you have hired a lawyer to represent you, the lawyer can send us a letter.

## Within 6 months

- A Scheduling Agent will phone you with the date, time and location of your hearing and confirm that you are ready to proceed.
- Your Client Services Officer will call you a second time to discuss more information related to your appeal and to confirm that you are ready for your hearing.
- The Client Services Officer will send you a letter summarizing the information that is important for your appeal.

## What you need to do

- When the Scheduling Agent calls to let you know the date, time, and location of your hearing, make sure you ask about the arrangements for you to attend. If you need travel arrangements, let him/her know.
- Be prepared for the second call from your Client Services Officer. The purpose of this call is to discuss your readiness for your hearing. Be prepared to ask your questions.
- **Make sure all documentation has been submitted.**
- Prepare your arguments. Focus on what you need to prove. Ensure you can demonstrate to the Review Tribunal why you should be given the benefit.

## At least 30 days before your hearing

- We will send you and your representative, if you have one, the second part of your Hearing File. This will include any additional documents that have been submitted by you or HRSDC as part of your case since we sent you the first Hearing File.
- When we receive *HRSDC's Explanation of Decision under Appeal*, we will send it to you. This is HRSDC's argument to the Review Tribunal and its rationale for denying your application. It is not the Review Tribunal's decision.

## What you need to do

- If you have not received the first part of your Hearing File, call us.
- Review the second part of your Hearing File carefully to make sure all the documents you have sent us are included. If information is missing, call us. Also, review any new documents that HRSDC may have submitted.
- Read the *HRSDC's Explanation of Decision under Appeal* very carefully. Remember that this is HRSDC's argument to the Review Tribunal. It is not the Review Tribunal's decision.
- If you disagree with HRSDC's argument, be prepared to explain to the Tribunal why you disagree. You may want to obtain more information to support your appeal. If you need more time to do so, call your Client Services Officer. Your hearing may need to be postponed.
- If you have questions at any time, please call your Client Services Officer.

## Your hearing and decision

- You have your hearing and present your case to the Review Tribunal. HRSDC will also present their arguments.
- The OCRT will send you the Review Tribunal's decision and supporting written reasons by registered mail within 8 weeks of the hearing date.
- Within 90 days of receiving the decision of the Review Tribunal, any party may apply for leave to appeal to the Pension Appeals Board.
- Information about appealing to the Pension Appeals Board will be sent to you with the Review Tribunal decision.

## Frequently Asked Questions

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### Q-1. What should I do to prepare for the hearing?

A. You should review the Hearing File and complete the *Hearing Preparation Workbook*. If you have a representative, go over the Hearing File with them. Be sure to get and send us any additional information you will need to prove your case well before the hearing date.

### Q-2. The Hearing File you sent me is not complete. I have sent more than this to HRSDC. What should I do?

A. We sent you all the information we received from HRSDC. Call us right away and tell us what is missing. We will contact HRSDC to find out what happened.

### Q-3. I have new information. What should I do?

A. Send it to us quickly as we will not schedule a hearing date until we have received all your documents. You can fax us this information and call us to confirm we have received the information.

### Q-4. When will my appeal be heard?

A. Once you have confirmed that you have submitted all your documents, we will schedule a hearing date.

### Q-5. How do I find out about the legislation that affects my appeal?

A. If you have questions, call your Client Services Officer for help or check our website: [www.reviewtribunals.gc.ca](http://www.reviewtribunals.gc.ca).

### Q-6. How do I reach my Client Services Officer?

A. The name of your Client Services Officer is on the letter we sent to tell you of your hearing date. To speak to your Client Services Officer, call and ask for them by name.

### Q-7. What if I moved?

A. Call our office with your new address and telephone number, or the name and telephone number of a person we may contact if we need to get in touch with you.

### Q-8. What should I bring to the hearing?

A. You or your representative should bring the first and second parts of the Hearing File and any other information we sent you.

**Q-9. How long will the hearing last?**

A. Usually, hearings take about one hour. Please let us know well in advance of your hearing date if you think that you will need more time.

**Q-10. I found a representative, but my hearing is next week. What should I do?**

A. Fax us a signed letter with the name, address and phone number of your representative, or a completed *Authorization to Disclose* form immediately. This form was sent to you with the letter saying we got your appeal. It is also available on our website. Ask your representative to call us right away.

**Q-11. What should I do if I decide I don't want to continue with my appeal?**

A. It's in your best interest to call and speak to your Client Services Officer. If you wish to withdraw your appeal, we will send you a form to complete.

**Q-12. Can the Review Tribunal make a decision if I'm not at the hearing?**

A. Yes. You do not have to be at the hearing for the Tribunal to make a decision. However, it is in your best interest that you attend. The Tribunal members may need more information or they may have questions only you or your representative can answer. If you are not attending the hearing, please tell us and explain why.

**Q-13. How does the Tribunal reach a decision?**

A. Before the hearing each Tribunal member reviews your Hearing File, which is exactly the same as the one you received. To make their decision, the Tribunal members study all the information in the Hearing File, review any new material they have received, and consider everything that was said at your hearing.

**Q-14. Is a hearing taped? Will I get a transcript of my Review Tribunal hearing?**

A. No. Taping is not permitted. The hearing is not recorded, and there are no transcripts. However, you will get your decision and the reasons for the decision in writing.

**Q-15. When will I get the decision?**

A. Usually, we will send you the Review Tribunal's decision along with written reasons about two months after your hearing. Some decisions may require more time due to the complexity of the issues.

**Q-16. When and how do I get paid for my expenses?**

A. When we send you your Hearing File, we also send you an expense form. After your hearing, complete the form and send it to our office, along with all of your original receipts. If you need help to complete the form, call our office. You should receive payment, by mail, three to four weeks after we receive your form. You can also find the expense form on our website. If you are living outside Canada, please contact us for more information.

**Q-17. If my appeal involves a Survivor's Pension, a Division of Unadjusted Pensionable Earnings (credit-split), or an Assignment of a Retirement Pension, is my information shared with others?**

A. All parties must receive a copy of the Hearing File. In these situations, we are required to ensure that the information is shared with the Added Party.

The law identifies what information HRSDC must provide to the OCRT and what OCRT must provide to all the parties and to the members of the Review Tribunal. The purpose of the legislation is to ensure that every party has a full and fair opportunity to participate in the appeal.

# Glossary

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## **Added Party**

A person who is not the Appellant but can be affected by a decision concerning the benefit in question. For example, a former spouse may be involved in CPP credit splitting with the Appellant. This person is considered to be an Added Party to the appeal.

## **Appellant**

A person who has received a reconsideration decision from the Minister of Human Resources and Skills Development Canada (HRSDC) concerning their application for benefits, and who has filed an appeal to the Office of the Commissioner of Review Tribunals (OCRT).

## **Benefit**

A benefit payable under the CPP and includes a pension.

## **Client Services Officer (CSO)**

A member of the OCRT staff that advises Appellants about the Review Tribunal process and the eligibility requirements for benefits. Client Services Officers also help Appellants prepare for their hearing.

## **Evidence**

Information presented to the Tribunal to help it decide your case. It can take the form of oral evidence provided by the parties, testimony by witnesses, medical reports, records and other documents.

## **Hearing**

The hearing is when the parties present their evidence to the Tribunal in a hearing room usually located in a hotel. The proceedings follow a certain order while also allowing flexibility for the parties to present their best case.

## **Hearing File**

There are two parts to the Hearing File. The first part has copies of all the papers the OCRT gets from the Appellant, from HRSDC and from the Added Party. These papers include all the information that HRSDC used to make their reconsideration decision, including the application for benefits, decision letters, etc. The second part of the Hearing File includes all information received from all parties once the first part has been mailed to the Appellant and Added Party, if any.

## **Human Resources and Skills Development Canada (HRSDC)**

The Department of Human Resources and Skills Development Canada is responsible for the administration of Canada Pension Plan (CPP) and Old Age Security (OAS) programs. HRSDC is a party to your appeal.

## **HRSDC's Explanation of the Decision Under Appeal**

HRSDC sends us an explanation of their decision in which they provide what was decided and why. We send you a copy of this explanation. It is not the Review Tribunal's decision on your appeal. It is HRSDC's argument.

## **Pension**

A pension payable under the CPP.

## **Reconsideration**

A written request to HRSDC by a person who has applied for a benefit or pension asking to review the decision made about those benefits. A government officer reviews the case and makes a reconsideration decision.

## **Representative**

A representative is someone you appoint to act on your behalf to present your appeal before the Review Tribunal. A representative can be a family member, a friend, a member of your community, an advocate, a union representative, or a professional such as a lawyer, or doctor.

## **Representative for HRSDC**

At the Review Tribunal, an HRSDC employee presents the reasons for the reconsideration decision by the Minister of HRSDC.

## **Review Tribunal**

This is a group of three people assigned to hear and make a decision on your appeal. The Review Tribunal includes a Chairperson who is a lawyer and two other members. If your appeal is regarding a Disability Pension, one of the three members must be a member of a health profession.

## **Witness**

A person who is in a position to provide information about the facts in an appeal or an expert who is qualified to provide an opinion.





## Contact Us

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**By mail:** Office of the Commissioner of Review  
Tribunals CPP/OAS  
P.O. Box 8250, Station T  
Ottawa ON K1G 5S5

**By telephone:** 1-800-363-0076  
Free of charge in Canada and USA  
(Outside of Canada and USA, call collect  
1-613-946-0320)  
7:00 a.m. to 5:00 p.m. Eastern Time

**TTY:** 1-866-203-7625  
Free of charge in Canada and USA  
(Outside of Canada and USA, call collect  
1-613-954-5178)  
7:00 a.m. to 5:00 p.m. Eastern Time

**By fax:** 1-866-263-7918  
Free of charge in Canada and USA

**By email:** [info@ocrt-bctr.gc.ca](mailto:info@ocrt-bctr.gc.ca)

**Our website:** [www.reviewtribunals.gc.ca](http://www.reviewtribunals.gc.ca)