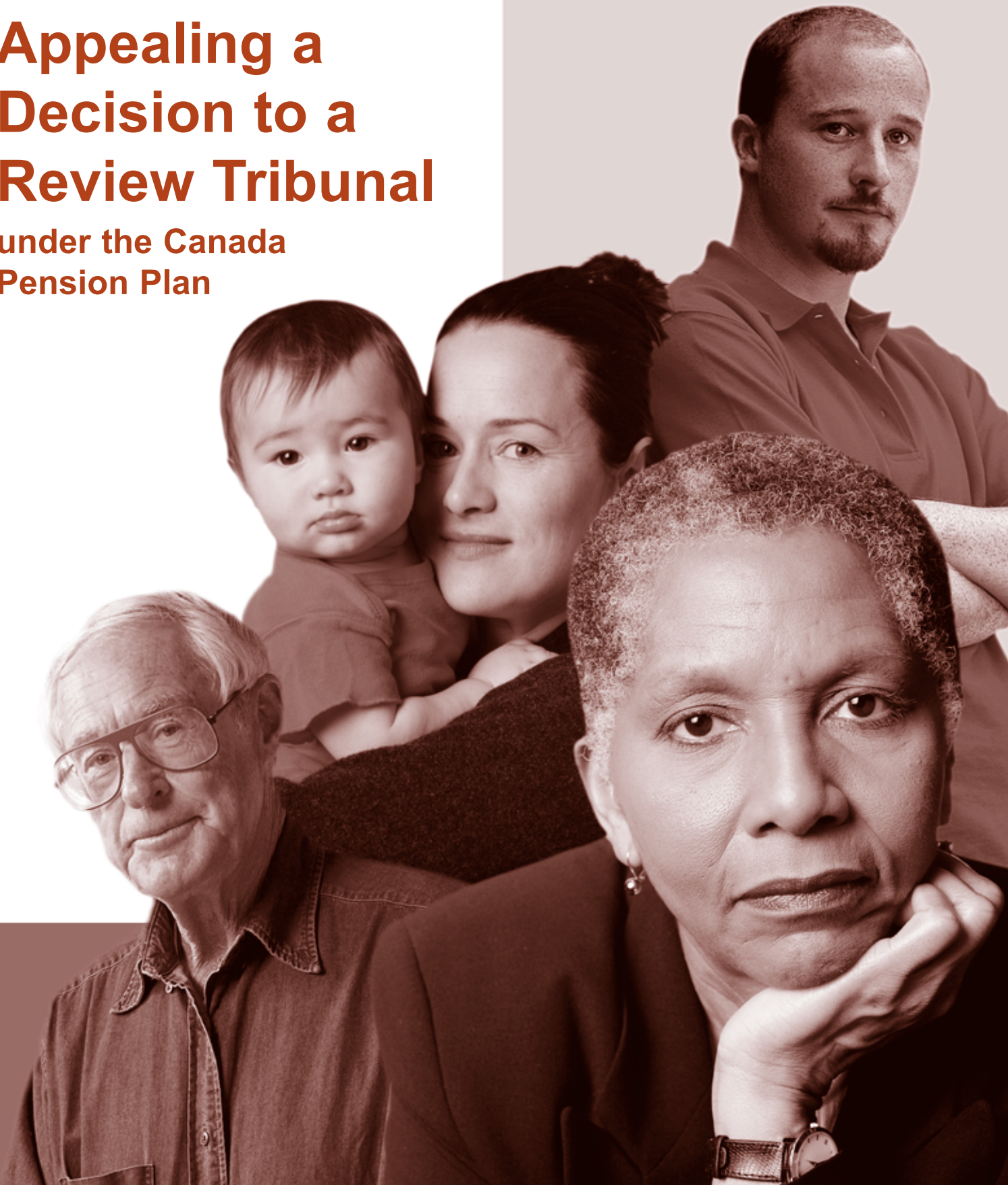


Appealing a Decision to a Review Tribunal

under the Canada
Pension Plan



How to contact us

If you have more questions after you read this brochure, 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 CPP/OAS
PO Box 8250, Station T
Ottawa, ON K1G 5S5

When you write to us by mail 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)
7:30 a.m. to 5 p.m. Eastern Time

By TTY: 1-866-203-7625 - free of charge in Canada and USA
(outside of Canada and USA, call collect 1-613-954-5178)
7:30 a.m. to 5 p.m. Eastern Time

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

By fax: 1-866-263-7918 - free of charge in Canada and USA
(outside of Canada and USA, fax at 011-1-613-941-3348)

By e-mail: info@ocrt-bctr.gc.ca

When you send us a fax or e-mail:

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

This booklet also is available on audiocassette and in Braille.

Produced by: Office of the Commissioner of Review Tribunals CPP/OAS - September 2006

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What we do

Our appeal process ensures that everyone will have enough time to prepare for the hearing. An appeal usually takes eight months to complete. You can expect your appeal to follow this schedule.

The appeal process at a glance...

Months 1 and 2

- We get your letter of appeal. If we need you to explain something, or to give us more information, we will contact you by telephone or in writing.
- We send you this brochure and a letter saying we got your appeal.
- We get a copy of the information used by Social Development Canada (SDC) to make its decision.

Months 3 and 4

- We send you a package containing:
 - A letter telling you the date, time and place of your hearing.
 - A Hearing File containing all information regarding your appeal that has been received by our office.
 - An expense-claim form.

Months 4 and 5

- A Client Service Officer calls you to explain the process and answer your questions.
- You will receive the **SDC Explanation of Decision Under Appeal**.

Months 5 and 6

- We send you a reminder letter about the date and time of your hearing.

Months 6 and 7

- You have your hearing.

Months 8 and 9

- The Tribunal makes its decision and prepares a written explanation.
- All the parties get the Review Tribunal's decision and the reasons for that decision by registered mail.

What you need to do

The appeal process at a glance...

Months 1 and 2

- Read this brochure carefully and watch the video.
- Send us the “Authorization to Disclose” form if you have appointed a representative.
- If you intend to call witnesses at your hearing, let us know.
- Do you have more information to send us?

Months 3 and 4

- If you won't be ready for your hearing or cannot attend on the the date indicated in our letter, call us immediately.
- Do you understand what's in your Hearing File?
- Do you understand what you need to prove to a Review Tribunal?
- Is the information in your Hearing File complete? Does it include incorrect information?
- Have you sent us all the information you wish to rely on at your hearing? If not, send us the information now.

Months 4 and 5

- Be prepared with your questions when we call you.
- Do you have any questions about the information in your Hearing File?
- Do you have questions about the hearing?
- Is it clear to you why SDC denied your claim?
- Will you be bringing witnesses to your hearing?
- Do you have any questions about the legislation affecting your case?
- Do you need an interpreter? Do you have special needs?

Months 5 and 6

- If you are still waiting for documentation to support your case, take immediate action to obtain it.
- All of your information should be sent to our office at least 30 days before the hearing.
- Think about how you will present your case.
- Carefully read SDC's arguments in the **SDC Explanation of Decision Under Appeal**.
- Prepare your arguments (in writing or verbally).
- Highlight any information that you want to tell the Tribunal about.
- Prepare any questions you may want to ask SDC's representative.

Months 6 and 7

- You have your hearing and present your case to the Tribunal.

Months 8 and 9

- You get the Review Tribunal's decision by registered mail within 8 weeks of the hearing date.
- Any party may appeal the decision of the Tribunal within 90 days.

Introduction - Appealing a decision

You have appealed to the Office of the Commissioner of Review Tribunals (OCRT) as you are not satisfied with the decision from Social Development Canada (SDC).

This brochure is to help you prepare for your hearing.

It provides you with information regarding:

- the role of the OCRT
- your role
- the role of SDC
- the process of appeal
- the steps to help you better prepare for your hearing

Remember this is a chance to explain to an independent and impartial tribunal the reasons why you feel you meet the legislative requirements. Take the time to be prepared as you need to explain clearly why you feel you should receive the benefits you applied for.

If you live outside of Canada you must also complete the questionnaire "For Those Living Outside of Canada". We sent it with your acknowledgement letter. It is also on our website.

Helpful Tools

CPP Brochure: Whether you have already appealed to a Review Tribunal or you are considering an appeal, this brochure will help you understand the appeal process and prepare for your hearing.

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 assist you
- Answers to many commonly asked questions

Also included is the **Tips and Don't Forget** brochure.

Website: www.reviewtribunals.gc.ca has more information about the appeal process, including:

- Forms and applications
- A glossary of terms used in the appeal process
- Links to web sites that offer more information on legislation and Canada's public pensions and benefits
- News bulletins and information updates

Our site is constantly being updated. Visit it regularly. If you don't have internet access at home, it may be available at your public library or community centre.

Who are we?

The **Office of the Commissioner of Review Tribunals (OCRT)**, is **not** part of the Social Development Canada (SDC) administration that made the decision on your benefit application. We are an independent office.

When you appeal a reconsideration decision made by SDC, our office receives your letter of appeal. We make the necessary arrangements for your appeal to be heard by a Review Tribunal.

By appealing, you are asking a three-person Tribunal to take a fresh look at your case in a hearing, where all the parties to the appeal have a right to be heard.

Who are the parties to an appeal?

- You, the person making the appeal.
- A representative of the Minister of Social Development Canada.
- An “added party” is a person who may be directly affected by your appeal, such as a spouse, former spouse, common-law partner or former common-law partner.

Our Mission Statement

“To ensure expert, independent, unbiased quality service to all parties to an appeal to a Review Tribunal by treating all parties to the appeal equally, fairly and with understanding, respect and dignity.”

The responsibilities of the Office of the Commissioner of Review Tribunals

- The Commissioner selects a three-person Tribunal to hear and decide your appeal.
- We arrange a date, time and place in Canada for your hearing that is as close to your home as possible and is suitable to all parties.
- We ensure the information received from all parties about your appeal is sent to all parties and to the members of the Review Tribunal.
- We call you to answer any questions you may have before the hearing.
- We send the decision of the Review Tribunal to all the parties by registered mail.

What is a Review Tribunal?

A Review Tribunal is made up of three people chosen by the Commissioner from a group of appointed members from every region of Canada.

- The chairperson of a Review Tribunal is a lawyer.
- If your appeal is about a Disability Pension, one of the three members must be from a prescribed health profession.

A Review Tribunal:

- is an independent and impartial panel that will take an entirely new look at your case.
- does not act on behalf of Social Development Canada (SDC) or on your behalf.
- will review all the information SDC used to make its decision in your case.
- will also consider any new information that you, SDC, or an added party submits. (Please see page 13 about providing new information).

A Review Tribunal makes a decision based on:

- the Canada Pension Plan legislation, which defines how a person qualifies for benefits; and
- the facts of your particular case.

A Review Tribunal can:

- Allow an appeal; that is, reverse or change a decision made by Social Development Canada.
- Allow an appeal in part; that is, reverse or change a decision made by Social Development Canada, but not to the extent requested by an Appellant.
- Deny the appeal; that is, confirm or maintain a decision made by Social Development Canada.
- Determine that it has no authority to decide the issue brought before it.

A Review Tribunal cannot:

- Change or ignore the legislation passed by Parliament.
- Make a decision based on compassionate or sympathetic grounds.
- Hear appeals involving claims of administrative error or incorrect advice on CPP matters, or forgive overpayments.

We process your appeal

When you appeal to the OCRT, we have **no** information about your case.

We get a copy of your file from Social Development Canada (SDC).

When we inform SDC of your appeal, they must give us, within 20 days, all of the information that they used to make their decision.

This file includes:

- your Canada Pension Plan application
- information you sent with your application
- any other information that SDC obtained to help them make their decision such as:
 - medical records
 - independent medical reports
 - reports from Workers' Compensation
 - your record of earnings and contributions to the Canada Pension Plan
- Social Development Canada's decision letters

We prepare your Hearing File

When we receive the information from Social Development Canada, we prepare a Hearing File, which also includes any other information you or an added party gives us. Before your hearing, we give the Hearing File to you and your representative, if you have one. We also send a copy to Social Development Canada, each member of the Review Tribunal and, if applicable, an added party. An added party is a person who may be directly affected by the Tribunal's decision.

We let you know where and when your hearing will take place

Three to four months before your hearing we will send you your Hearing File and a letter confirming when and where your hearing will be.

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. If you have some distance to travel, we will make the necessary arrangements. We will also tell you what travel expenses can be paid by us.

We send you the SDC Explanation of Decision Under Appeal

Social Development Canada sends us an explanation of their decision. It is called the **SDC Explanation of Decision Under Appeal**. We will send you a copy.

This is **not** the Review Tribunal's decision on your appeal. It is Social Development Canada's argument. It will be considered by the Review Tribunal at your hearing just like all the other information.

You have the right to present your own explanations and arguments to the Review Tribunal, either in writing or verbally at the hearing.

Postponing your hearing:

If something comes up and you can't be at your hearing for the date or time scheduled, **call us right away**.

We notify anyone who may be affected by the decision of the Review Tribunal

If the decision of the Review Tribunal in your appeal might affect another person, we must notify that person of your appeal and they must be made a "party" to the appeal. A person affected by your appeal is known as an "added party". 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 made an "added party."

When this happens, we send a letter telling the person that they have been made a party to the appeal. We advise them that they can reply to your letter of appeal and send us any information that may support their position in the appeal.

The added party is also told that they have the right to come to the hearing and present their position.

The added party will also receive a copy of the Hearing File with all the information relating to the appeal. You will receive a copy of any information submitted by an added party.

You decide who will present your case

Presenting your case

The hearing will be as informal as possible and will take place in your choice of English or French. Call us if you need an interpreter and we will arrange and pay for one.

The Review Tribunal will give you every opportunity to present your case. You may decide to 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 read from a written presentation.
- 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.

Asking someone to present your case for you

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 or some 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. A witness will be asked to leave the hearing room when you speak, and your representative should be in the hearing room at all times during your hearing.

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.
- Your circumstances prevent you from attending the hearing.
- You want help to obtain information.

If you appoint a representative, we will communicate directly with that person. 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.

Before you hire a professional representative, you should be clear about any fees you may have to pay. The Office of the Commissioner of Review Tribunals cannot appoint a representative for you, nor can it pay for the cost of a representative to help with your appeal.

If you decide to get someone to help 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.

Appointing a Representative

In order to share information or communicate with your representative, we need your written authorization.

Let us know right away if you get a representative

If you decide to have a representative present your case, make the arrangements and let us know as soon as possible. Fill out an “Authorization to Disclose” form, sign it and mail or fax it to us. This way, your representative will have plenty of time to prepare for the hearing.

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. Remember to include your Appeal number.

The “Authorization to Disclose” form is also available on our website: www.reviewtribunals.gc.ca

Important Note

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.

Your information is given to *all parties to the appeal* and to the three members of the Review Tribunal. Please see page 8 for information about who is a party to an appeal.

You prepare for your hearing

The hearing is your first and best chance to present the facts of your case in person to an independent and impartial Tribunal.

To be successful in your appeal, you need to prove you qualify based on the facts of your case and the Canada Pension Plan legislation.

The Review Tribunal must be satisfied that it is more likely than not that your case meets the requirements of the Canada Pension Plan legislation. At the hearing, it is up to you to make sure there is enough information to prove your case.

Review your Hearing File and the SDC Explanation of Decision Under Appeal

Your Hearing File and the **SDC Explanation of Decision Under Appeal** are important for you to use when you are preparing for your hearing. When we send you this information, please read it carefully. The **SDC Explanation** will help you understand why Social Development Canada refused you benefits. It represents Social Development Canada's position which will form part of their argument at the time of the hearing of your appeal.

Identify any information in your Hearing File that supports your appeal.

It will then be easier to bring it to the Review Tribunal's attention at your hearing.

If you think there is some information in the Hearing File that should not be considered by the Tribunal, make a note of it and tell the Tribunal the reason at the beginning of your hearing.

If you find the information in your Hearing File is incomplete, make sure you get the information before your hearing.

Take note of any other information you want to tell the Tribunal. A Review Tribunal places a lot of weight on what you and witnesses say at the hearing. The Tribunal will assess this with all the other information.

How to use your Hearing File

- Read it carefully.
- Make sure nothing is missing.
- Choose the parts of the information you want to use in your presentation, then underline or use a highlighter to mark them.
- Note the page numbers in your presentation notes, to make them easier to find.
- Organize your presentation. You can make notes or write down your whole presentation.

Is your appeal regarding a Disability Pension?

Make sure you understand thoroughly the following requirements for a CPP Disability Pension. You have to show you meet all of the following requirements to get your pension.

You must have contributed to the Canada Pension Plan for a minimum number of years.

The first thing you need to do is find the last date you qualify for benefits based on your contributions to the Canada Pension Plan.

This date may be found:

- in the denial letters you have received from Social Development Canada
- in the **SDC Explanation of Decision Under Appeal**
- by calling our office

It is important that any information in support of your appeal proves that you were disabled on or prior to that date and you continue to be disabled.

Please note that you may challenge this date but the final determination of this date is up to the Review Tribunal.

According to the CPP legislation a disability is:

- **severe** if a person is incapable regularly of pursuing any substantially gainful occupation as a result of a physical and/or mental condition;
- **prolonged** if it is long continued and of indefinite duration, or likely to result in death.

Be prepared to provide medical and other information to show how you meet these conditions. Generally, these requirements have been interpreted by courts and tribunals as meaning:

- You are incapable of working as a result of your physical and/or mental condition, either at your last occupation or any other for which you would or could be reasonably qualified;
- You are unable to reliably commit to a work schedule, either full-time or part-time, because of your health condition;
- You have made reasonable efforts to look for employment or retraining;
- You have made reasonable efforts to follow up recommendations for treatment;
- You do not expect to be able to return to work.

The Review Tribunal will consider the 'whole person' when deciding your appeal, so be prepared to provide information about your condition and how it affects you in the workplace and in everyday life. You can provide a lot of this information in person at your hearing, but it would be helpful to send any expert reports or other documents (e.g. medical reports, functional capacity evaluations, letters from employers, etc.) to us well in advance. In our experience, SDC may settle in the appellant's favour before a disability appeal hearing because new information has been provided.

Please call our office or visit our website if you have questions.

Checking your earnings & contributions

- Make sure your earnings and contributions to the CPP match your work history. You will find this information in your Hearing File. Check the index in your Hearing File for a document called “Current ROE Information”.
- If your record is not accurate please send us information such as T4 slips, Income Tax returns, Assessment Notices or employer statements. This information could extend the last date you qualify for benefits.

Send us any new information that is not in your Hearing File

Send us any new information at least 30 days prior to your hearing. If you get new information, besides what is in your Hearing File, please send it to us as soon as possible. This way we can send a copy to the members of the Review Tribunal and the other parties to the appeal (Social Development Canada and any added party). Some information you send us could prove that you are eligible for a pension. Social Development Canada could change its decision because of this information. If so, a hearing may not be needed.

If you have more information that you want the Tribunal to consider at your hearing, mail or fax a copy to our office as soon as possible. If you get information less than two weeks before your hearing, bring 5 copies of the information to the hearing. The copies are for you, each Tribunal Member and the representative from Social Development Canada.

If you get new information

- New information for your appeal can only be looked at by the Review Tribunal if it is received before or at your hearing.
- Up until the day of your hearing **and** if you have receipts, we will pay the cost of getting and photocopying medical records that are already on file with your doctors and hospitals. Contact our office to find out what we can reimburse.
- Remember to include your Appeal number on all correspondence.

If you have a lot of new information, contact us and ask for instructions.

We contact you before your hearing

If you have questions about your appeal, our Client Service Officers (CSO) are ready to help you.

We call you to answer questions you may have and to make sure you are ready

It is very important for you to be prepared for your hearing. A month or two before the hearing, a CSO will call you to make sure you are ready.

The CSO will ask if you:

- Decided to have a representative present your case
- Reviewed the Hearing File
- Know the legislative issues and the facts of your appeal
- Need more information about the legal requirements
- Are waiting for more information
- Are prepared to present your case
- Have thought about questions you may wish to ask the Social Development Canada representative at the hearing
- Understand what will happen at the hearing

When we call about your hearing, you can discuss:

- The legislation that affects your case.
- What happens at your hearing.
- What you need to do to present your case as well as possible.
- Your travel needs and approved expenses.
- Arrangements for any special needs.
- The need for an interpreter.
- If you have documents that need to be translated into English or French.

If you need an interpreter

Hearings are held in English or French. If you are not completely comfortable in English or French, we will pay for a professional interpreter. As soon as you can, tell us you need a professional interpreter, and what language and dialect you speak, so we can have a professional interpreter at your hearing. This service is free.

We ask you about your travel and special needs

Our Client Service Officer will discuss any travel arrangements you may need to get to your hearing and travel expenses we can pay.

If you have a hearing impairment, we will provide a sign-language interpreter.

- If you are not completely comfortable in English or French, we will provide and pay for a professional interpreter. Let us know as soon as possible if you need an interpreter.

We remind you of your hearing date, time and place

About a month before your hearing, we will send you another letter reminding you of the date, time and place.

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



An Appellant and their representative at a Review Tribunal hearing

We help with some costs - ask us

If you live in Canada

We can help with some of the costs to get you to your hearing. These costs can include travel to and from your home to the hearing, parking and meals. If you need to travel long distance and need a hotel room, call us. Our office must approve these costs before you go to your hearing. The costs are paid according to guidelines and rates set by the Government of Canada.

Up until the day of your hearing **and** if you have receipts, we will pay the costs of getting and photocopying medical records that are already on file with your doctors and hospitals. Contact our office to find out what we can reimburse.

A **Travel Expense Claim** form will be sent to you 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.**

What we will pay for:

- a professional interpreter
- travel to and from your home to the hearing, parking and meals
- photocopying and getting medical records that are already on file with your doctors and hospitals

Call us if you have questions about what we can pay for.

If you live outside of Canada

We will tell you what expenses may be covered when we call you.

What 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 or anyone else helping with your case

What happens at the hearing

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 Social Development Canada
- An interpreter if you need one
- Any added party to the appeal, and their representative if they have one

Only these people will hear everything that is said at your hearing.

If you or an added party brings a witness, the chairperson will decide whether that person will be allowed to sit through the entire hearing or will be called in only when it is their turn to speak.

Getting started

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

Usually, before the hearing starts, the chairperson will ask the parties to give the Tribunal any new information they may have brought to the hearing with them. All the parties will get a copy of this information.

This is why you **must bring five copies of the new information**.

The Tribunal and the other parties will take time to read the new information. The Tribunal will also consider any other issue that needs to be dealt with before the hearing goes ahead.

If someone does not show up

If anyone who should be at the hearing (you, your representative, the representative of Social Development Canada or a witness) 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 our office right away** and we will let the Tribunal know. The Tribunal can decide to go ahead or it could adjourn the hearing.

If a hearing is adjourned

If any party to the appeal feels the hearing should not continue, they can ask the Review Tribunal to grant an adjournment. For example, the Tribunal can adjourn a hearing because of illness, when weather conditions become bad enough to prevent travel or if important information is not available.

The Tribunal, on its own, may decide to adjourn the hearing under certain circumstances. For example, if a lot of new information is presented, the Tribunal may decide everyone needs time to study it before the hearing can proceed. So make sure you get any new information to us as quickly as possible.

After full consideration, the Tribunal will decide whether to grant an adjournment.

All parties should be prepared to go ahead with the hearing if the Tribunal does not grant the adjournment.

If the hearing is adjourned, the Tribunal will notify the Office of the Commissioner of Review Tribunals in writing. We will send all parties a letter telling them why the hearing was adjourned. Once the matter for the adjournment has been addressed, we will contact you to schedule another Review Tribunal hearing.

Everyone has a chance to speak

Usually, you or your representative will be first to present your case to the Review Tribunal. You will be able to explain your position and present your information to the Tribunal.

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 ability to work.

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

When you are finished presenting your case, the Social Development Canada representative will present the **SDC Explanation of Decision Under Appeal**. They will present arguments by referring to the information in the Hearing File and the Canada Pension Plan legislation.

Any added party, or their representative, will be able to present their position to the Tribunal.

You and your representative, any added party and their representative and the Social Development Canada representative will be able to ask questions. The members of the Tribunal can ask questions of you, your witnesses, any added party and the Social Development Canada representative. The members of the Tribunal may also ask why an important document was not submitted as information.

The Tribunal's decision

After the hearing, all members of the Review Tribunal will meet privately to decide on your appeal. The Tribunal's decision will be based only on the information they were given at your hearing. **The Review Tribunal may not consider any information our office gets after the hearing.**

All members of the Tribunal do not have to agree to the decision. If two members of the Tribunal decide in your favour, your appeal is allowed. The Tribunal sends its decision and reasons for the decision to the Commissioner who has the responsibility of sending the decision to all parties. The Commissioner, who is not a member of the Tribunal, cannot change the decision.

The Review Tribunal decision is final and binding, unless it is appealed to the Pension Appeals Board. The words final and binding mean that the decision cannot be changed.

If you or another party (Social Development Canada or an added party) wish to appeal the Tribunal's decision, you must ask the Pension Appeals Board's (PAB) permission for the right to make an appeal. That request, known as 'requesting leave to appeal' must be made within **90 days** of receiving the Tribunal's decision.

More information about appealing to the PAB will be sent to you with the Review Tribunal decision.

After your hearing, if you get new information that you think may support your appeal

- Contact our office to ask about the options available to you.
- Our office will explain to you what this involves.

If you move

Be sure to give our office:

- your new address
- your new telephone number
- the name and telephone number of a person we may contact if we need to get in touch with you

Frequently Asked Questions

Q-1. I have been waiting for a long time. When will my appeal be heard?

A. We will do our best to make sure everything moves quickly for your appeal to the Review Tribunal. A hearing is usually held six or seven months after we receive an appeal request.

Q-2. What should I do to prepare for the hearing?

A. You should read the Hearing File and make sure it contains everything you need to prove your appeal. If you have a representative, go over the Hearing File with them. Before the hearing, be sure to get and send us any additional information you will need to prove your case.

Q-3. The Hearing File you sent me is not complete. I've sent more than this to Social Development Canada. What should I do?

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

Q-4. I have new information. What should I do?

A. Send it to us right away. You can fax us this information. If you are concerned that your documents will not reach us before the hearing date bring five copies of the new information to your hearing. The copies are for you, each Tribunal Member and the representative from Social Development Canada.

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

A. If you have questions, call your Client Service Officer for help or check our website: www.reviewtribunals.gc.ca

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

A. The name of your Client Service Officer is on the letter we sent to tell you of your hearing date. To speak to your Client Service 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 Hearing File and any other information we sent you. Also bring five copies of any new information that you could not send us before your hearing.

Q-9. How long will the hearing last?

- A. Usually, hearings take an hour, but the hearing will last as long as the Tribunal decides it takes for all the parties to present their cases and have their say.

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

- A. Fax us your 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 Service Officer or you should send us a letter telling us that you have decided not to continue with your appeal.

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, we recommend that you attend or that you send a representative. The Tribunal members may need more information or they may have questions only you or your representative can answer. The hearing is your first and best opportunity to present the facts of your case. If you are planning not to attend the hearing, please tell us.

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

- A. Before the hearing each Tribunal member reviews your Hearing File. It 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

received before and during the hearing, and consider everything that was said at your hearing. After the hearing, the three members meet and reach a decision based on all the information. The Tribunal members will then let the Commissioner of Review Tribunals know in writing what the decision is and the reasons for it.

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

- A. No. 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, you will get the written decision two months after your hearing.

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. 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.

Q-17. What if my appeal involves a Survivor's Pension, a Division of Unadjusted Pensionable Earnings, or an Assignment of a Retirement Pension?

- A. In these situations, we are required to ensure that the information is shared with the added party.

Q-18. Why does my Hearing File have to be shared with the 'added party'?

- A. All parties must receive a copy of the Hearing File. The CPP legislation identifies what information Social Development Canada must provide to the Office of the Commissioner of Review Tribunals (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

Added Party

A person who is not the Appellant but who is affected by a decision concerning the Appellant's Canada Pension Plan (CPP) benefits. 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.

Adjournment

A decision of a Review Tribunal to reschedule the hearing to another date and time. **This occurs at the hearing.**

Appellant

A person who has received a Reconsideration decision from the Minister of Social Development Canada (SDC) concerning their application for CPP benefits, and who has filed an appeal to the Office of the Commissioner of Review Tribunals (OCRT).

Client Service Officer (CSO)

A person from the OCRT who advises Appellants about the Review Tribunal process and eligibility requirements for benefits.

Hearing File

The Hearing File has copies of all the papers the OCRT gets from the Appellant, from SDC and from any Added Party. These papers include all the information that SDC used to make their Reconsideration decision, including application for benefits, decision letters, etc.

Minimum Qualifying Period (MQP)

To be eligible for a benefit, you must have made valid contributions for a certain number of years to the CPP. This is called the Minimum Qualifying Period (MQP). Currently, the MQP for a disability benefit is four (4) years of valid contributions within the last six (6) years.

Postponement

A decision of the Office of the Commissioner of Review Tribunals to reschedule a hearing to another date and time. **This occurs before the hearing takes place.**

Glossary

Reconsideration

A written request by a person who has applied for CPP benefits. They are asking the Minister of Social Development Canada to review the decision made about those benefits. A government officer reviews the case and makes a Reconsideration decision.

Record of Earnings (ROE)

This report provides you with information on your earnings and contributions to the Canada Pension Plan.

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 SDC

At the Review Tribunal, an SDC employee presents the reasons for the Reconsideration decision by the Minister of SDC.

Review Tribunal

This is a group of three people who are Panel Members, including 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 from a prescribed health profession. The Review Tribunal conducts hearings and makes a decision concerning an appeal involving CPP benefits.

Social Development Canada (SDC)

Department of Social Development Canada. This Department is responsible for the administration of CPP and Old Age Security (OAS) programs.

SDC Explanation of Decision Under Appeal

The SDC Explanation of Decision Under Appeal gives a full explanation of what SDC decided and why.

Witness

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

Contact us

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)
7:30 a.m. to 5 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)
7:30 a.m. to 5 p.m. Eastern Time

By fax:



1-866-263-7918
Free of charge in Canada and USA
(Outside of Canada and USA call
011-1-613-941-3348)

By email:



info@ocrt-bctr.gc.ca

Our website:



www.reviewtribunals.gc.ca

