



Hearing Preparation Workbook

For Canada Pension Plan Disability Benefits

How to Review your Hearing File

An Important Step in Preparing for your
Review Tribunal Hearing

CAT. No. HS59-4/2011E

ISBN 978-1-100-18972-7

Produced by: Office of the Commissioner of Review Tribunals CPP/OAS - June 2011

Aussi disponible en français sous le titre : « Cahier de préparation pour l'audience »

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Introduction

You have appealed to the Office of the Commissioner of Review Tribunals because you are not satisfied with the decision made by the Department of Human Resources and Skills Development Canada (HRSDC) regarding your eligibility for a *Canada Pension Plan* (CPP) disability benefit. Your hearing is your first and best opportunity to present the facts of your case in person to an independent and impartial Tribunal of three persons.

You need to be ready to clearly explain to the Review Tribunal why you believe that you meet the legal requirements for a CPP disability benefit. It is very important that you take the time to prepare for your hearing, and that you prepare well in advance. We have sent you the first part of your Hearing File, which contains all the documents HRSDC used to make its decision. To prepare for your hearing, you must review and understand the information in this file.

Purpose of the Hearing Preparation Workbook

The purpose of this Workbook is to help you to prepare for your hearing. You will be better prepared for your hearing if you understand:

- your responsibility in preparing for your hearing;
- the legal requirements to be eligible for a CPP disability benefit;
- the reasons the Department refused your application;
- the information you could provide to support your appeal; and
- what steps you must take to get ready.

A Client Services Officer will be calling you in approximately two weeks to discuss your appeal in more detail. Reading your Hearing File and using this Workbook will help you prepare for the call and for your hearing.

How to Use this Workbook

This Workbook is to help you understand the important information about your appeal, which is contained in the Hearing File.

The Workbook will help you focus on the two legal requirements for a CPP disability benefit and to help to find out if your Hearing File has all the information to help prove that you meet those requirements. If the information in the Hearing File does not prove you meet the legal requirements, then the Workbook will help you to determine what additional information you may need to obtain.

Finally, the Workbook helps you re-evaluate your appeal after you have a better understanding of the rules for receiving a disability benefit.

Read each section of this Workbook carefully and take the time to write down:

- your answers to each of the questions;
- any questions you have for your Client Services Officer; and
- any information you want to remember to share with your Client Services Officer.

Your Responsibility

It is your responsibility to prove that you are eligible to receive a CPP disability benefit. You can do this by:

- i. providing written information (documentary evidence);
- ii. attending your hearing and explaining your reasons to the Tribunal. (This is your oral evidence).

Legal Requirements to Receive a CPP Disability Benefit

There are two requirements that must be met:

1. You must have contributed to the Canada Pension Plan for a minimum number of years. This is called your Minimum Qualifying Period.
2. You must have a severe and prolonged disability as it is defined by the CPP legislation.

Minimum Qualifying Period

Your Minimum Qualifying Period or MQP describes the date when your CPP coverage for a disability benefit ends. This date may be in the past or in the future depending on how recently you made contributions. It is based on the years and the amounts you contributed to the CPP.

You need to demonstrate to the Review Tribunal that you were disabled on or before your MQP. If you do not meet this requirement then you are not eligible for disability benefits. It could be that HRSDC did not calculate your MQP correctly or it did not have all of the right information. It is important for you to make sure that your MQP is correct.

Where can you find your MQP?

Go to **Section 2** – of your Hearing File, Letters between Appellant and HRSDC and look for the documents called the “Initial Adjudication Summary” and the “Reconsideration Adjudication Summary/Worksheet”. Your MQP will be the date that the Department calls your “Latest Possible Date of Onset” (LPDOO).

You can also find your MQP in the initial and reconsideration decision letters. There will likely be a sentence that reads:

- “In your case, you have made enough contributions to the CPP to qualify until (date)”; or
- “In your case, you have sufficient earnings and contributions until (date).”

The date in that sentence is your MQP.

The Department concluded that my MQP is:

(month/year)

Minimum Qualifying Period (continued)

How to ensure your MQP is correct

Your Record of Earnings

To ensure that HRSDC has calculated your MQP correctly, go to **Section 4** – Record of Earnings and find the document called “Disability MQP Results”. It includes the earnings and the contributions you made to the CPP every year.

Next, look at the columns “Year”, “Contribution” and “UPE”. The column “Year” lists the years, the “Contribution” column tells you the amount you contributed to the CPP and the column “UPE” lists the amount you earned in each year. Please verify that the information is correct. The Review Tribunal will verify the information and confirm your MQP at the hearing.

Are the years that you have worked in Canada and the years that you contributed to the CPP correct?

Yes No

If the answer is no, provide reasons why:

Disability MQP Results

For example:

Current ROE Information

Year	Earnings	Contribution	UPE
1993	26,333	596.26	26,333
1994	26,889	540.25	26,889
1995	27,034	588.34	27,034
1996	27,782	631.33	27,782

If the information is not correct, please inform your Client Services Officer. It may be possible to correct the error prior to the hearing.

Minimum Qualifying Period (continued)

Your Application for Disability Benefits

Your MQP may change if some of the information you gave in your Application for Disability Benefits is no longer current. Go to **Section 3** of your hearing file and find your Application for Disability Benefits.

If the answers you gave to the questions above are different from those in your Application, please inform your Client Services Officer.

Knowing and understanding your MQP will help you decide what additional information, if any, you will need to obtain to prove your case.

Have you become separated or divorced since you applied? Yes No

Have you ever worked outside of Canada? Yes No

Have you listed all of your children in your application for a disability benefit: Yes No

Did you ever stop work for at least one year because you stayed home to care for your children under age 7? Yes No

Questions for my Client Services Officer

Disability

Severe and Prolonged - You must have a severe and prolonged disability as it is defined by the CPP legislation.

According to Section 42 of the CPP legislation a disability is:

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

At your hearing, the Review Tribunal will determine if your disability is severe and prolonged. It will want to know if your disability prevents you from working in any gainful capacity, and if your condition is unlikely to improve. In making its decision, it will consider all the information in your Hearing File and other written information you provide. It will also consider your oral evidence at the hearing. It is important that any information in support of your appeal proves that **you were disabled on or prior to your MQP date**.

You can find your Questionnaire in **Section 3** of your Hearing File.

In the Questionnaire for Disability Benefits that accompanied your application, you were asked several questions about your work. The following questions are important because the Review Tribunal will want to know about your work capacity and if the information in your Questionnaire has changed.

Did you go back to work after you applied for CPP Disability? Yes No

If the answer is yes, please indicate how many hours you worked per week on average: _____

What type of work were you doing?

Disability (continued)

In Questions 16-22 of your Questionnaire you also provided information about the medical condition that prevented you from working and how it limits your activities and functions.

You need to be prepared to explain these changes to the Review Tribunal and provide evidence to support the change.

Has your physical or mental condition changed? Have your limitations changed? If yes, explain how.

In Section 5 – Medical Reports and Other Documentation of your Hearing File, you will find the medical reports and other documents the Department considered when it made its decision. Read Section 5 of your Hearing File thoroughly to determine if there is new or missing information that you would like to provide to the Review Tribunal.

Remember: When you are seeking new information, you need to prove that you were disabled on or before your MQP.

Example: If your MQP is December 2002, then information about a new medical condition that began in 2007 might not be relevant to your case.

Disability (continued)

Discuss your plans to obtain additional information with your Client Services Officer. If you are unable to obtain the necessary information before your hearing, it is possible that we might have to delay your hearing date.

Is all the medical information you gave to the HRSDC in the Hearing File? Yes No

Will you be trying to obtain more information to support your appeal? Yes No

If yes, please write down the type of information you need to obtain:

(Example: Results of MRI scans or other tests, medical reports and/or evaluations from doctors, specialists, clinics, hospitals, etc.)

Information Needed:

Do you have upcoming medical appointments? Yes No

If yes, list your appointment dates and the medical information you expect to obtain to support your appeal:

Appointment Date: _____

Information to Obtain: _____

Appointment Date: _____

Information to Obtain: _____

Your Appeal

In Section 2 – Letters between Appellant and HRSDC of your Hearing File, you will find the letters that HRSDC sent to inform you that it had denied your application and to explain why.

Why did HRSDC deny your application?

At the hearing, you will need to address the specific reason(s) why HRSDC denied your application.

Tip: In these letters, HRSDC may indicate that it requested medical or employment information but was unable to obtain it. If this is the case, you should make sure you provide the information required to support your appeal.

Section 1 – Letter of Appeal of your Hearing File contains a copy of the letter telling us that you are appealing and your reasons. Please review it and let the Client Services Officer if you:

Tip: If it is clear that you do not meet the legal requirements for a CPP disability benefit, then you should not continue with your appeal.

1. have additional or different reasons for appealing; or
2. do not wish to continue with your appeal and reasons why.

Additional Sections

Your Hearing File also contains a section with the administrative documents related to the processing of your appeal such as the letter we sent you to acknowledge receipt of your appeal.

Review it carefully as some of the information may be relevant to your current appeal, and, ask yourself if you need to update any of the information.

Note: If you previously submitted an application for CPP Benefits to the Department prior to the application you are appealing, then a copy of that application is included in an additional section.

Your Hearing

Presenting your Case

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

- You are incapable of working as a result of your mental or physical 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.

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, HRSDC may settle in the appellant's favour before a disability appeal hearing because new information has been provided.

Your Hearing (continued)

Representation

You should try to decide soon if you would like someone to assist you with your appeal. Any adult can represent you, such as a relative, a friend, a professional advocate or a lawyer. If you have a representative or want to have a representative, you must complete and return the Authorization to Disclose that we sent with your Hearing File. You can find a copy on our website or you can call us to obtain it. Our contact information is on the last page. We cannot communicate with your representative until we receive your completed form.

Witnesses

You can bring witnesses to speak about your condition and provide information to the Review Tribunal to support your appeal.	Will you be bringing witnesses with you to the hearing?	Yes	No	Unsure
	If yes, who will be your witnesses?			
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Travel and Special Accommodations

If you will require any travel arrangements or special needs, such as an interpreter, please discuss this with your Client Services Officer.

Remember - Please inform your Client Services Officer if:

- you have or are planning to obtain a representative;
- you will be bringing any witnesses and their names;
- you will need any special needs for your hearing.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Contacting the Office of the Commissioner of Review Tribunals

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 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) 7:00 a.m. to 5 p.m. Eastern Time

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

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

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).

Website: <http://www.reviewtribunals.gc.ca>