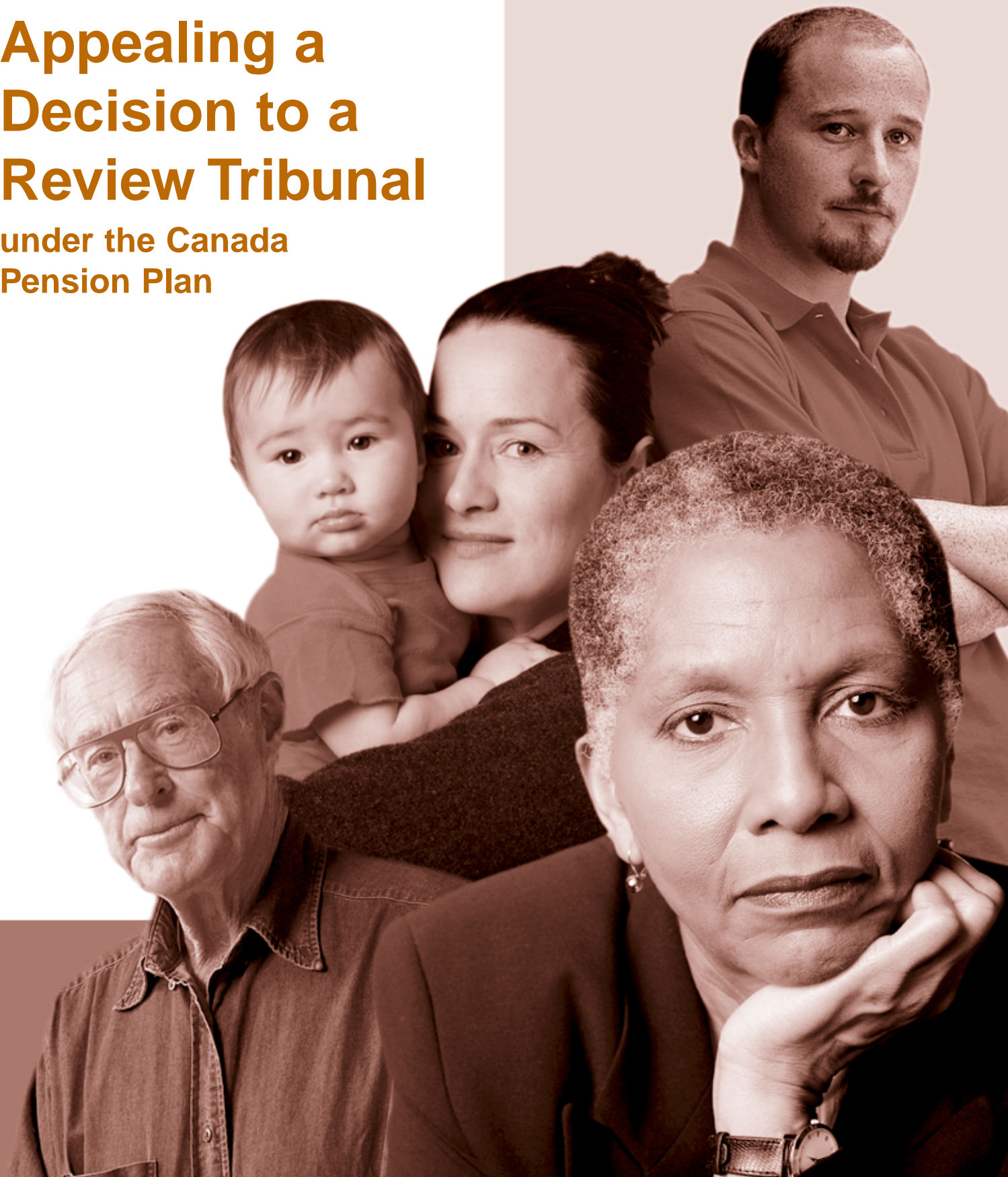


# Appealing a Decision to a Review Tribunal

under the Canada  
Pension Plan



## How to contact us

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If you have more questions after reading 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

With all correspondence, 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 correspondence from our office.

**By telephone** 1-800-363-0076 - free of charge in Canada  
(outside of Canada, call collect 613-946-0320)  
7:30 a.m. to 5 p.m. Eastern Time

### When you call us

Please have your Appeal number ready when you call us.

**By fax** 1-613-941-3348  
(outside of Canada, fax at 001-613-941-3348)

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

**Do** 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.

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# Table of Contents

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<b>Appealing a decision</b> .....	<b>2</b>
<b>The appeal process at a glance</b> .....	<b>3</b>
<b>Checklist</b> .....	<b>4</b>
<b>Who are we?</b> .....	<b>6</b>
<b>What is a Review Tribunal?</b> .....	<b>7</b>
<b>We process your appeal</b> .....	<b>8</b>
We get a copy of your file from Social Development Canada (SDC) .....	8
We notify anyone who may be affected by the decision of the Review Tribunal .....	8
We prepare your Hearing File .....	9
We let you know where and when your hearing will take place .....	9
We send you the SDC Explanation of Decision Under Appeal .....	9
<b>You decide who will present your case</b> .....	<b>10</b>
Presenting your case .....	10
Asking someone to present your case for you .....	10
Let us know right away if you get a representative .....	11
<b>You prepare for your hearing</b> .....	<b>12</b>
Review your Hearing File and the SDC Explanation of Decision Under Appeal .....	12
Is your appeal regarding a Disability Pension? .....	13
Send us any information that is not in your Hearing File .....	14
<b>We contact you before your hearing</b> .....	<b>15</b>
We call you to answer questions you may have and to make sure you are ready .....	15
We ask you about your travel and special needs .....	15
We remind you of your hearing date, time and place .....	16
<b>We help with some costs – ask us</b> .....	<b>17</b>
<b>What happens at the hearing</b> .....	<b>18</b>
Your hearing is private and confidential .....	18
Getting started .....	18
If someone does not show up .....	18
If a hearing is adjourned .....	18
Everyone has a chance to speak .....	19
<b>The Tribunal's decision</b> .....	<b>20</b>
<b>Frequently asked questions</b> .....	<b>21</b>

## Appealing a decision

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If you have not yet appealed to the Review Tribunal but wish to, you can begin your appeal by writing a letter to us, or you can fill out the appeal form enclosed at the back of this brochure.

You need to explain clearly the reason you are appealing. You can use the enclosed appeal form as a guide for your letter.

Your letter of appeal or your appeal form must be sent to our office no later than 90 days after you receive your decision from Social Development Canada (SDC) previously called Human Resources Development Canada (HRDC).

If, for some reason, you cannot meet that deadline, write to us as soon as possible. Explain why you cannot meet the deadline and ask for more time. The Commissioner of Review Tribunals may accept your appeal after the 90 day deadline.

**People permanently living outside of Canada** must also complete the questionnaire "For Those Living Outside of Canada". It will be sent by our office with your acknowledgement letter. It is also found 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.

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

has more information about the appeal process, including:

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

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

## The appeal process at a glance

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The process ensures that all parties 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.

### Months 1&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.
- You start preparing for your hearing.
- We get a copy of the information used by Social Development Canada to make its decision.

### Months 3&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&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&6

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

### Months 6&7

- You have your hearing.

### Months 8&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.

## Checklist

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### Are you appealing the decision of Social Development Canada?

- Your letter of appeal must be in writing and sent to our office by mail or fax within 90 days of receiving the decision of Social Development Canada or you can complete the enclosed appeal form. The appeal form is also found on our website at [www.reviewtribunals.gc.ca](http://www.reviewtribunals.gc.ca)

### Have you included the following information in your letter of appeal?

- Your name, address and telephone number including area code.
- Your Social Insurance Number.
- Your reasons for appealing the decision of Social Development Canada and the date you received their decision.
- Are you past the 90 day period? If so, please write a detailed explanation of the reasons why you are late in appealing.
- If you have decided to have someone represent you at the hearing, please send us your signed authorization indicating the name, address and telephone number of your representative.

### Have you received your Hearing File?

- Have you read it carefully?
- Do you have all the information that will help you prove your case?
- If you feel information is missing, have you obtained a copy for yourself and sent a copy to us?

### Have you received our letter telling you when and where your hearing will take place?

- Can you attend your hearing on the date, time and location we have scheduled for you? If not, call us right away
  - free of charge at 1-800-363-0076
  - call collect from outside of Canada at 613-946-0320.

### Are you prepared for your hearing?

- Do you understand the legislation that defines how you qualify for your benefit? If not, please call our office and a Client Service Officer will be pleased to answer your questions.
- Have you reviewed your Hearing File and the [SDC Explanation of Decision Under Appeal?](#)

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Have you highlighted or underlined any information that supports your case and that you want to tell the Tribunal about? Don't forget to note the page numbers for easier reference at the hearing.

Have you prepared and organized your notes?

Have you received all the information you have been waiting for? If so, have you sent it to us? Have you kept a copy for yourself?

If you are still waiting for more information, do you expect to receive it before the hearing? If you think you might not receive it in time for the hearing, please call us right away.

Have you considered:

- how you want to present your case at the hearing, and
- any questions you would like to ask the representative of Social Development Canada at your hearing?

Has a Client Service Officer from our office called you to explain what happens at your hearing and what costs we cover?

Do you require an interpreter for your hearing? If so, have you advised our office?

Have you advised our office of any special needs you may have or any travel arrangements you may require?

### **Does your appeal involve a Survivor's Pension, a Division of Unadjusted Pensionable Earnings, or an Assignment of a Retirement Pension?**

Are you aware of the potential involvement of added parties?

Are you aware of our obligation to ensure that the information is shared with the added party?

### **Have you moved?**

If so, have you given our office 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?

## Who are we?

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

When you appeal a reconsideration decision made by Social Development Canada, our office receives your letter of appeal and 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.
- The Minister of Social Development Canada represented by a person from SDC.
- A person who may be directly affected by your appeal, such as a spouse, former spouse, common-law partner or former common-law partner. This person is called an “added party”.

### 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?

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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 the Review Tribunal is a lawyer.
- A qualified health care professional is one of the three members if your appeal is regarding a Disability Pension.
- The other person will be a community member.

The Review Tribunal is an independent and impartial panel that will take an entirely new look at your case.

The Tribunal does not act on behalf of Social Development Canada or on your behalf. The Tribunal will review all the information Social Development Canada used to make its decision in your case. It will also consider any new information that you, Social Development Canada, or an added party submits before or at the hearing.

A Review Tribunal makes a decision based on:

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

A Review Tribunal is not bound by the guidelines and policies of Social Development Canada.

### 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

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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 Social Development Canada of your appeal, they are required to give us within 20 days, all of the information that they used to make their decision.

The file we receive from Social Development Canada includes copies of information submitted by you or obtained by Social Development Canada when you applied and requested a reconsideration of your case. Depending on the benefit you applied for, these include:

- Canada Pension Plan application
- birth and marriage certificates
- letters you wrote
- medical records
- written opinions of independent medical consultations
- record of your earnings and contributions to the Canada Pension Plan
- Social Development Canada's decision letters

### **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, that person must be notified of your appeal and 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. Of course, you will receive a copy of any information submitted by an added party.**

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## **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 has given to us. Before your hearing, we give the Hearing File to you and your representative, if you have one. This Hearing File also goes to Social Development Canada, each member of the Review Tribunal and, if applicable, an added party—a person who may be directly affected by the Tribunal's decision.

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

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. However, if you have some distance to travel, we will make the necessary arrangements. We will tell you what travel expenses can be paid by us when we call you to see if you are ready to proceed with your hearing. Three to four months before your hearing you should get the letter confirming when and where your hearing will be with your Hearing File.

## **We send you the SDC Explanation of Decision Under Appeal**

Social Development Canada sends us an explanation of why they denied you the benefit you applied for; their explanation is called the SDC Explanation of Decision Under Appeal to the Review Tribunal. We will forward a copy of the SDC Explanation to you. Please note that 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 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**. If, for example, you feel that you will not have all the information you need in time for your hearing, you may want to call our office to discuss the possibility of changing your hearing to another date.

## You decide who will present your case

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### Presenting your case

The hearing will be as informal as possible and will take place in your choice of English or French. 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:**

- You can read from a written presentation.
- You can work with point-form notes.
- Concentrate only on what you need to prove to the Tribunal.
- Be ready to answer questions.
- You can bring witnesses.

If your spouse or someone else accompanies you for support, that person may also stay with you throughout the hearing.

### Asking someone to present your case for you

A representative is someone that 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 may 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.

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If you appoint a representative, we, the Office of the Commissioner of Review Tribunals, will communicate directly with that person. You and your representative will be given all the information that has been provided to us concerning your case. After the hearing, you and your representative will also receive a copy of the decision made by the Review Tribunal.

Before you hire a professional representative, you should be clear about whatever 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

√ We need your written Authorization

We cannot share information or communicate with your representative without 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 the enclosed “Authorization to Disclose” form at the back of this brochure, 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](http://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 refer to page 6 for information about who is a party to an appeal.

## You prepare for your hearing

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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 the requirements of the Canada Pension Plan legislation have been met. 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 you receive this information from our office, the first thing you should do is carefully read all the information. 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, you should get the information you need right away before the hearing.

Also note 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. This is assessed 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 pen 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.

### Checking your earnings & contributions

- ✓ Make sure your earnings and contributions to CPP match your work history.

You will find this information in your Hearing File, in a document called "Disability MQP Results" under the section "Current ROE Information".

- ✓ If your record is not accurate please submit information such as T4 slips, Income Tax returns, Assessment Notices or employer statements to the OCRT.

This information could extend the last date you qualify for benefits.

### You must be disabled according to Canada Pension Plan legislation.

You must show that you have a disability which is **severe and prolonged**, as defined in the CPP legislation at the time you last qualified for benefits.

The legislation states a disability is **severe** if a person is incapable regularly of pursuing any substantially gainful occupation. A disability may be physical and/or mental.

You must also show that your disability is **prolonged**. This means it must be long continued and of indefinite duration or likely to result in death.

Be ready to provide detailed information about how your disability limits your ability to work.

This information may be provided by:

- Medical reports.
- X-ray reports and laboratory reports.
- Work assessments, other types of assessments or evaluations.
- Information from you or witnesses at the hearing.

**The Federal Court decision, *Villani v. Canada (Attorney General) (C.A.) [2002] 1 F.C. 130*** outlined the correct interpretation of the definition of "severe". You can get a copy of the Villani decision through our website or call our Office.

In making a decision, the court has also said that in deciding on the "severity" of a disability, medical information, age, education, language skills and past work and life experience should be considered.

**Please call our Office or visit our website if you have questions.**

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

If you obtain 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 necessary.

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 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.

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

### If you obtain 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, the OCRT will pay the cost of photocopying and getting 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.



## We contact you before your hearing

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If you have questions about your appeal, our Client Service Officers (CSO) are trained to assist 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. Therefore, a month or two before the hearing, a Client Service Officer will call you to make sure you are ready to proceed.

For example, you will be asked if you:

- Have decided whether you will have a representative present your case.
- Have reviewed the Hearing File.
- Are aware of the issue and the particular facts of your appeal.
- Require more information about the legislation that affects your case.
- Are waiting for more information.
- Have considered how you might like to present your information.
- Have thought about questions you may wish to ask the representative from Social Development Canada 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.
- Arrangement for any special needs.
- The need for an interpreter.
- Translation of information into English or French if in another language.

### **We ask you about your travel and special needs**

During this call, our Client Service Officer will ask you about any travel arrangements you may need to get to your hearing. We will tell you about the travel expenses that can be paid by us.

### **If you need an interpreter**

Hearings are held in English or French. You may need someone at your hearing to interpret the proceedings into another language. As soon as you can, tell us you need an interpreter, and what language and dialect you speak, so we can arrange to have one at your hearing.

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If you have any special needs, tell us as soon as possible and we'll make arrangements for you.

- 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 an interpreter.
- If you are unable to attend your hearing in person, we can arrange for you to participate through a telephone conference call.

### **We remind you of your hearing date, time and place**

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



## We help with some costs - ask us

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### If you live in Canada

Reasonable expenses are paid by the OCRT to get you to your hearing. These expenses can include kilometres from your home to the hearing location and return, parking and meals. If overnight accommodation is required, you must call our office for approval in advance of going to your hearing. The expenses are paid according to guidelines and rates set by the Government of Canada.

Up until the day of your hearing, the OCRT will pay the cost of photocopying and getting medical records that are already on file with your doctors and hospitals. Please submit the original receipts for reimbursement.

Please note that you may contact our office at any time to find out what we can reimburse.

A “**Travel Expense Claim**” form will be sent to you with your Hearing File.

To get your money back, please complete this form after your hearing and send it to us in the return envelope **along with all original receipts**.

### 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 accommodation costs for your representative or anyone else helping with your case.

### If you live outside of Canada

We will provide an explanation of what expenses may be covered when we call you.

## What happens at the hearing

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### Your hearing is private and confidential

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

- You
  - Your representative, if you have one
  - Anyone you bring with you for support, such as your spouse or a friend
- The members of the Review Tribunal
- The representative from Social Development Canada
- 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 members of the Review Tribunal will introduce themselves and explain their role. The chairperson will 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 is supposed to be at the hearing—you, your representative, the Social Development Canada representative 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. If the Tribunal finds it appropriate to do so, it can decide to go ahead with the hearing or it could adjourn.

### 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 unavailable.

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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 in the event that 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**

You or your representative will usually 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 making reference 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

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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 issuing 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 (whether your appeal is allowed or dismissed).

### If, after your hearing, you get new information that you think may support your appeal

- Contact our office to inquire about a reopening of the Tribunal's decision.
- Our office will explain to you what this involves.

### If you move

- ✓ Be sure to give our office your new address and new telephone number, or the name and telephone number of a person we may contact if we need to get in touch with you.

## Frequently Asked Questions

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**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. When will I get the decision?**

A. Usually, you will receive the written decision two months after your hearing.

**Q-3. 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 him or her. Be sure to get and send us any additional information you will need to prove your case before the hearing.

**Q-4. 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 between 7:30 a.m. to 5 p.m. Eastern Time,

- free of charge in Canada at 1-800-363-0076
- from outside of Canada, call collect at 613-946-0320 and tell us what is missing. We will contact Social Development Canada to find out what happened.

**Q-5. I have new information. What should I do?**

A. Send it to us right away. You can fax us this information at 1-613-941-3348 (from outside of Canada, fax at 001-613-941-3348). 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-6. How do I find out about the legislation that affects my appeal?**

A. If you have questions call your Client Service Officer for assistance between 7:30 a.m. to 5 p.m. Eastern Time,

- free of charge in Canada at 1-800-363-0076
- from outside of Canada, call collect at 613-946-0320

Or check our website:  
[www.reviewtribunals.gc.ca](http://www.reviewtribunals.gc.ca)

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**Q-7. How does the Tribunal reach a decision?**

A. Before the hearing each Tribunal member reviews your Hearing File that 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-8. I found a representative, but my hearing is next week. What should I do?**

A. Fax us your completed 'Authorization to Disclose' form immediately at:

- From Canada: 1-613-941-3348
- From Outside of Canada: 001-613-941-3348.

This form can be found at the back of this brochure and on our website.

Have your representative call us right away between 7:30 a.m. to 5 p.m. Eastern Time

- free of charge in Canada at 1-800-363-0076
- from outside of Canada, call collect at 613-946-0320

**Q-9. 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 between 7:30 a.m. to 5 p.m. Eastern Time,

- free of charge in Canada at 1-800-363-0076
- from outside of Canada, call collect at 613-946-0320

or you should send us a letter telling us that you have decided not to continue with your appeal.

**Q-10. 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-11. How long will the hearing last?**

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



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**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.

**Q-13. When and how do I get paid for my expenses?**

A. When we send you your Hearing File, we also send you an expense-claim form. After your hearing, complete the form and send it to our office. If you need help to complete the form, call our office and ask for assistance. You should receive payment, by mail, three or four weeks after we have received your claim. You can also find the expense form on our website.

**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 receive your decision and the reasons for the decision in writing.

**Q-15. 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 between 7:30 a.m. to 5 p.m. Eastern Time,

- free of charge in Canada at 1-800-363-0076
- from outside of Canada, call collect at 613-946-0320.

**Q-16. 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 provides rules about what information must be provided by Social Development Canada to the OCRT, and by the OCRT in turn to all the parties and to the members of the Review Tribunal who will hear and decide the appeal. The purpose of these rules is to ensure that every party has a full and fair opportunity to participate in the appeal.

