

# General Information

about the Canada Pension Plan

## APPEALS PROCESS

**Human Resources Development Canada (HRDC) administers the Canada Pension Plan (CPP) and is committed to informing people about CPP benefits. We have prepared this fact sheet for people who want to know more about the appeals process.**

If you do not agree with a decision that has been made on your application or benefit, but still think you meet the requirements of the CPP legislation, you have the right to appeal. Most CPP appeals have been based on:

- a benefit being denied;
- the amount of a benefit;
- the date payment begins; or
- the benefit being cancelled.

There are three consecutive decision review levels in the CPP appeals process:

1. request for reconsideration
2. appeal to the Commissioner of Review Tribunals
3. appeal to the Pension Appeals Board

Before deciding whether to appeal, we encourage you to talk to an HRDC staff member. Each appeal is different, and the time it takes to have your appeal decided will vary.

You can help by providing as much information as possible throughout the process.

A “yes” answer to the following questions may affect the outcome of your appeal:

- Is there any new information that was not submitted previously that might change our decision?
- Were there times when you did not work, or worked less, in order to raise young children?
- Did you work or live in a country other than Canada?
- If you applied for a disability benefit, has important medical information not been considered or not been submitted in relation to your application?
- If you applied for a disability benefit, is your condition worse now than when your application was submitted?



## First Level

### Reconsideration by Human Resources Development Canada

If you have decided to appeal, the first step is to request a reconsideration from HRDC. **You must make this request in writing to your local HRDC office within 90 days of receiving the decision letter.**

Your request for reconsideration will be reviewed by staff who were not involved with the original decision. They will look at your application as well as any new information supplied by you or on your behalf. They will send

you their decision and the reasons for it by letter.

If you decide to appeal, it is important to remember that you are responsible for providing HRDC with all information required to support the appeal.

## Second Level

### Appeal to the Office of the Commissioner of Review Tribunals

The Office of the Commissioner of Review Tribunals (OCRT) is an independent agency which will hear your appeal of HRDC's decision on your case. To ensure fair and impartial decisions, it is completely separate from HRDC. If you wish to appeal the decision made on your reconsideration, **you must write to the OCRT within 90 days of receiving**

**the HRDC reconsideration decision letter.** OCRT staff will contact you about a date, time, and location for your hearing. You can provide new information to support your appeal before the hearing.

The Review Tribunal consists of three panel members. A lawyer chairs the hearing and, for disability appeals, one of the panel members is always a health pro-

fessional. The third panel member is someone from the community, from any walk of life. The hearing is closed to the public. You may bring someone to help you explain your case, at your expense. An HRDC representative will also attend.

After the hearing, the OCRT will inform you and HRDC by letter of the panel's decision and the reasons for it.

## Third Level

# Appeal to the Pension Appeals Board

The Pension Appeals Board (PAB) is the third opportunity for appeal under the CPP. Like the OCRT, the PAB is an independent agency. It is completely separate from HRDC. You can provide any new information before the hearing to support your appeal.

**You must request permission to appeal (“leave to appeal”) by writing to the PAB within 90 days of receiving the OCRT’s decision letter. It is important to note that HRDC can also appeal an OCRT decision.**

The PAB will decide whether there are grounds to hear an appeal. If there are grounds it will advise you and HRDC in writing and schedule a hearing. If the PAB decides not to hear the appeal, it will advise you and HRDC in writing. The decision of the OCRT is then final and binding.

The PAB panel is made up of three judges. The hearing is open to the public. Legal counsel and appropriate expert witnesses always represent HRDC at these hearings,

and you may have legal counsel or another person represent you. You may be eligible to claim some of the costs related to your hearing.

After the hearing, the PAB will inform you and HRDC of their decision. PAB decisions are final. If you or HRDC believes that there has been an error in fact or in law, you or HRDC may request a judicial review of the PAB decision at the Federal Court of Appeal.



## For information on reconsideration...

For information on reconsideration, and to find out where to send new information, you can call Human Resources Development Canada free of charge at:

**1 800 277-9914**     **English**

**1 800 277-9915**     **French**

(symbol) If you have a hearing or speech impairment and you use a TDD/TTY device, please call **1 800 255-4786**.

Our lines are busiest at the beginning and end of each month, so if your business can wait, it's best to call at other times. Please have your social insurance number ready.

## For information on the Office of the Commissioner of Review Tribunals...

For more information, you can call the Office of the Commissioner of Review Tribunals free of charge at:

**1 800 363-0076**

or write,

**P.O. Box 8250**

**Station "T"**

**Ottawa ON K1G 5S5**

## For information on the Pension Appeals Board...

For information on a specific appeal, you can call the Pension Appeals Board free of charge at:

**1 888 640-8001**

or write,

**P.O. Box 8567**

**Station "T"**

**Ottawa ON K1G 3H9**