

Citation: *D. L. v. Minister of Employment and Social Development*, 2015 SSTAD 90

Appeal No: AD-14-519

BETWEEN:

D. L.

Appellant

and

**Minister of Employment and Social Development
(formerly Minister of Human Resources and Skills Development)**

Respondent

**SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Appeal Decision**

SOCIAL SECURITY TRIBUNAL MEMBER: Valerie Hazlett Parker

DATE OF DECISION: January 22, 2015

TYPE OF HEARING: On the Written Record

[1] On August 26, 2014 the General Division of the Social Security Tribunal dismissed the Appellant's claim for a Canada Pension Plan disability pension. The Appellant sought leave to appeal to the Appeal Division of the Tribunal on September 30, 2014.

[2] On November 17, 2014 leave to appeal to the Appeal Division of the Tribunal was granted on the basis that the General Division erred when it adopted one party's interpretation of medical report summaries without weighing this evidence itself.

[3] After leave to appeal was granted, the parties to this appeal requested that the Member make a decision pursuant to Section 18 of the *Social Security Tribunal Regulations* based on the agreement dated January 20, 2015. The agreement reads as follows:

Whereas the Social Security Tribunal Appeal Division (SST-AD) decision dated November 17, 2014 grants leave to the Appellant.

The Respondent and the Appellant have come to an agreement consenting to the SST-AD referring the matter back to the General Division for reconsideration with directions to hold a *de novo* hearing.

Proceeding in this manner is the most cost effective and efficient manner for the Appellant and the Respondent and is consistent with section 2 and paragraph 3(1)(a) of the *Social Security Tribunal Regulations* which require, respectively, that the Tribunal interpret the *Regulations* so as to secure the just, most expeditious and least expensive determination of appeals, and to conduct hearings as informally and quickly as the circumstances and the considerations of fairness and natural justice permit.

[4] The appeal is allowed in accordance with the agreement. The matter is referred back to the General Division for a *de novo* hearing before a different General Division Member.

Valerie Hazlett Parker
Member, Appeal Division