

Citation: *D. M. v. Minister of Employment and Social Development*, 2015 SSTAD 109

Appeal No: AD-14-573

BETWEEN:

D. M.

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 30, 2015

TYPE OF HEARING: On the Written Record

[1] The Appellant applied for a Canada Pension Plan disability pension in June 2011. Her claim was denied by the Respondent. She appealed to the General Division of the Social Security Tribunal. Prior to deciding the matter based on the written record before it, the General Division sent written questions to the Appellant. She answered them within the time permitted to do so, however, the General Division did not consider this evidence or other documents that the Appellant submitted within the time permitted to answer the written questions and respond to documents filed with the General Division.

[2] The Appellant was granted leave to appeal to the Appeal Division of this Tribunal on December 2, 2014 on the basis that the General Division erred in fact when it did not consider the answers to the written questions, and may have erred in not considering other evidence filed within the time permitted to do so.

[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 December 2, 2014 grants leave to the Appellant.

The Respondent (ESDC) and the Appellant (D. M.) have come to an Agreement consenting to the SST-AD referring the matter back to the General Division for redetermination of the Appellant's appeal of the Department's January 16, 2012 reconsideration decision with regards to her June 2, 2011 application for a disability pension pursuant to the *Canada Pension Plan*.

Proceeding in this manner is the most cost effective and efficient manner for the Appellant and 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 redetermination of the Appellant's appeal of the Respondent's January 16, 2012 reconsideration decision before a different General Division Member.

Valerie Hazlett Parker

Member, Appeal Division