



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *S. K. v. Minister of Employment and Social Development*, 2016 SSTADIS 250

Tribunal File Number: AD-16-195

BETWEEN:

S. K.

Appellant

and

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

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

DECISION BY: Hazelyn Ross

DATE OF DECISION: July 29, 2016

REASONS AND DECISION

[1] The Applicant applied for a *Canada Pension Plan* disability pension. The Respondent denied her application and maintained the denial upon reconsideration. She appealed the reconsideration decision to the General Division of the Social Security Tribunal. On October 27, 2015 the General Division issued a decision in which it refused her appeal.

[2] The Applicant sought leave to appeal from the decision of the General Division on the basis that the General Division had breached a principle of natural justice when it continued the hearing in the absence of the Applicant.

[3] The Appeal Division granted leave to appeal on a finding that it could not determine whether the breach was made out. After leave to appeal was granted, the parties reached a Settlement Agreement on the 25th day of July 2016. Consequently, the Respondent sent a request to the Appeal Division asking that it render a decision in the matter, pursuant to s. 18 of the *Social Security Tribunal Regulations, SOR/2013-60*.

[4] The Agreement reads as follows: -

The parties hereby consent to the SST-AD referring the matter back to the SST-General Division (SST-GD) for a hearing *de novo*.

[5] The Appeal is allowed in accordance with the provisions of the Settlement Agreement of July 25, 2016.

[6] The matter is remitted back to the General Division for determination by a different member.

Hazelyn Ross
Member, Appeal Division