



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *S. J. v. Minister of Employment and Social Development*, 2017 SSTADIS 186

Tribunal File Number: AD-16-373

BETWEEN:

S. J.

Appellant

and

Minister of Employment and Social Development

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

DECISION BY: Janet Lew

DATE OF DECISION: April 27, 2017

REASONS AND DECISION

[1] This is an appeal of the General Division's decision of January 18, 2016. The General Division determined that the Appellant was not eligible for a disability pension under the *Canada Pension Plan*, as it found that his disability was not "severe" by the end of his minimum qualifying period on December 31, 2013.

[2] I granted leave to appeal in this matter on March 1, 2017, on the basis that the General Division may not have considered the totality of the evidence before it. The Appellant had argued that the General Division had failed to consider the impact of his severe chronic pain, fibromyalgia, depression, back pain, bilateral frozen shoulder, a meniscus tear in his left knee, in addition to the side effects of his medication, on his ability to regularly pursue any substantially gainful occupation. The General Division discussed the Appellant's shoulder and back pain, but did not discuss the Appellant's knee pain or depression, and therefore may not have considered the combination of the Appellant's physical and psychological symptoms and their impact on his ability regularly of pursuing any substantially gainful occupation since June 2011, when he was involved in a motor vehicle accident.

[3] On April 18, 2017, the Respondent informed the Social Security Tribunal that it agreed that the General Division member "appear[ed] to have provided insufficient analysis of the totality of the evidence before it." The Respondent also informed the Tribunal that the parties agree that the appeal should be allowed and the matter returned to the General Division for redetermination by a different member, by way of an in-person or videoconference hearing.

[4] Given the parties' position on this matter, the appeal is allowed and the matter returned to the General Division for a redetermination by a different member by way of an in-person or videoconference hearing.

Janet Lew
Member, Appeal Division