



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *SZ v Minister of Employment and Social Development*, 2020 SST 854

Tribunal File Number: AD-20-619

BETWEEN:

**S. Z.**

Appellant

and

**Minister of Employment and Social Development**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division**

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DECISION BY: Kate Sellar

DATE OF DECISION: October 6, 2020

## DECISION AND REASONS

### DECISION

[1] I dismiss the appeal of the new facts application. These reasons explain why.

### REASONS

[2] S. Z. (the Claimant) applied for a disability pension. The Minister denied his application initially and on reconsideration. He appealed to this Tribunal, and the General Division dismissed his appeal.

[3] Next, the Claimant started two processes:

1. He appealed the General Division's decision to the Appeal Division, and
2. He filed a new facts application to the General Division, which the General Division dismissed. He appealed the General Division's dismissal of the new facts application to the Appeal Division.

[4] I wrote a separate decision about process number 1 listed above, the "appeal." I allowed the appeal: the General Division made an error by failing to provide the Claimant with a fair process. That case is going back to the General Division now for reconsideration. At the General Division level, the Claimant will have the chance to have his case decided again, this time with the benefit of all the evidence, including the reassessment of his earnings.

[5] This decision is about process number 2 listed above, the appeal on the new facts application. A new facts application is a request to rescind or amend (change) the General Division's decision, based on new facts.<sup>1</sup> In this case, the Claimant is focussing on the idea that his earnings were reassessed after the General Division hearing. This was new information, which impacted the calculation of his MQP and therefore could impact his eligibility for the disability pension.

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<sup>1</sup> DESDA, s 66.

[6] I dismiss the Claimant's appeal of the new facts application. Given that I have already allowed the Claimant's other appeal, the appeal of the new facts application is moot. This just means that a decision about whether the General Division made an error in the new facts application has lost any significance. The Claimant will already be able to rely on the new facts at the General Division because I allowed the other appeal.

**CONCLUSION**

[7] I dismiss the appeal of the new facts application.

Kate Sellar  
Member, Appeal Division

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| HEARD ON:             | August 5, 2020  |
| METHOD OF PROCEEDING: | Teleconference  |
| APPEARANCES:          | S. Z., Appellant<br><br>C. Z., Representative for the Appellant<br><br>Viola Herbert, Representative for the Respondent |