



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

[TRANSLATION]

Citation: *J. F. v Minister of Employment and Social Development*, 2020 SST 384

Tribunal File Number: AD-19-893

BETWEEN:

**J. F.**

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: Jude Samson

DATE OF DECISION: May 1, 2020

## DECISION AND REASONS

### DECISION

[1] I am allowing the appeal. Furthermore, I find that the Applicant, J. F., filed an appeal to the General Division on time. I am therefore referring the matter back to the General Division to decide whether the Applicant is eligible for a pension under the *Old Age Security Act* (OAS Act).

### SETTLEMENT AGREEMENT

[2] I am making this decision following a pre-hearing conference held on May 1, 2020. The Applicant, his representative, and a representative of the Minister all participated in the conference. The purpose of the conference was to discuss the Minister's proposal outlined in his letter dated April 14, 2020.<sup>1</sup>

[3] At the conference, the parties agreed as follows:

- a) The General Division made an error of jurisdiction and fact in finding that the Applicant had received the Minister's reconsideration decision by September 24, 2016.<sup>2</sup> In particular, the General Division relied on a presumption rather than assessing the evidence before it.
- b) In this situation, it is appropriate to give the decision that the General Division should have given.<sup>3</sup>
- c) The Applicant received the Minister's reconsideration decision in July 2019.<sup>4</sup> Therefore, he appealed that decision on time.<sup>5</sup>
- d) It is therefore appropriate to refer the matter back to the General Division to determine whether the Applicant is eligible for a pension under the OAS Act.

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<sup>1</sup> AD4.

<sup>2</sup> These errors are stated in sections 58(1)(a) and 58(1)(c) of the *Department of Employment and Social Development Act* (DESD Act).

<sup>3</sup> The possible remedies are stated in section 59(1) of the DESD Act.

<sup>4</sup> GD2-178.

<sup>5</sup> The 90-day time limit is stated in section 52(1)(b) of the DESD Act.

**CONCLUSION**

[4] Based on the information available to me, I allow the appeal in accordance with the settlement agreement outlined above.

Jude Samson  
Member, Appeal Division