



# Canada Pension Plan Disability Benefits



MS Society of Canada  
BC Division  
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# CANADA PENSION PLAN (CPP) DISABILITY BENEFITS

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Adrienne Boothroyd-Sampert (M.A.), Coordinator, VLAP

## INTRODUCTION

This booklet is designed to help you in three ways:

- ✓ To provide you with information on CPP Disability Benefits
- ✓ To help you complete an application for benefits that is likely to succeed
- ✓ To help you understand the three appeal processes you can use if you are denied benefits

The booklet is one of a series of five that have been developed as part of our Volunteer Legal Advocacy Program (VLAP) to assist people with MS in resolving problems they may face involving income security. The other four booklets are:

- *Advocacy*
- *What You Should Know About Disability Insurance*
- *MS and Human Rights*
- *Community and Legal Resources*

All of these booklets are available from the Multiple Sclerosis Society of Canada, British Columbia Division.

The main objective of VLAP is to make legal information and advocacy support available by telephone, email and in person to people living with MS in the Lower Mainland, Victoria, Nanaimo and Kamloops. VLAP offers an organized system to meet the advocacy needs of our members and utilizes a resource of volunteers who have legal expertise and/or advocacy experience to deliver the program.

## I CPP DISABILITY BENEFITS

CPP disability benefits allow people between the ages of 18 and 65 who can no longer work because of their disabilities to support themselves. **CPP pays a monthly benefit to people who have contributed to the plan and are considered disabled according to CPP legislation.** CPP is not income or asset based and eligibility does not depend on whether you live with someone. You are not restricted to living in one province if you receive CPP because it is a federal rather than a provincial program. If you volunteer or attend school, you will not be penalized. If you receive provincial Disability Benefits Level II and you also qualify for CPP, you will not lose your medical coverage and other benefits that come with provincial benefits. Although CPP monies are taxable, you can apply for the Disability Tax Credit. CPP does not provide partial disability benefits and it does not assist beneficiaries with the costs of special medical services or equipment.

At the time of writing, the maximum monthly benefit is \$992.80. This amount changes frequently. You can find out about the current amount by calling 1-800-277-9914. If you have dependent children, they will also receive money from CPP. A dependent child is one who is under 18 years or between 18 and 25 and is a full-time student. The maximum amount is currently \$192.68 for dependent children. In January every year, CPP benefits, including children's benefits, are increased according to the increase in the cost of living.

Different people will receive different amounts of money. This is because the amount of your pension is a combination of a flat rate and an earning-related portion (how much and for how long you contributed). The earning-related amount is equal to 75% of the contributions you have made.

CPP payments are not affected by payments from other disability or insurance plans but the reverse is true. Therefore, it is important to consider this fact before applying.

For the purposes of assisting anyone who wants to know more about various aspects of CPP Disability Benefits, Human Resources Development Canada (HRDC) has produced several publications which may be obtained by faxing Income Security Programs

Communications, HRDC at (613) 957-1602 or online at <http://www.hrdc-drhc.gc.ca/isp/pub>. The publications include:

- ◆ *Disability Benefits*
- ◆ *Disability Vocational Rehabilitation Program: Client Information*
- ◆ *Disability Vocational Rehabilitation Program: General Information*
- ◆ *Facts About Reassessing Eligibility*
- ◆ *The Appeals Process*
- ◆ *Children's Benefits for students aged 18-25*

If you receive CPP disability benefits you **may** be eligible to receive other benefits. These benefits are not automatic. They include:

- ❖ Accessible and affordable housing
- ❖ Property tax deferment
- ❖ Home owner grants
- ❖ Disability tax credit (for people with income)
- ❖ BC Parks Access card
- ❖ BC Ferry pass, Rail pass, Coach line
- ❖ handyDart, handyPass and Taxi Saver (if you have mobility limitations)
- ❖ Handicapped driver discount
- ❖ Federal gasoline tax refund
- ❖ Provincial motor vehicle fuel tax rebate
- ❖ Parking permits

Details of these benefits may be found in the Multiple Sclerosis Society of Canada, British Columbia Division publication *Resources/Information: Disability Benefits*. This list of resources is a comprehensive description of services and includes addresses and telephone numbers. It is available from the British Columbia Division office and or online at [www.mssociety.ca/bc/pdf/resources.pdf](http://www.mssociety.ca/bc/pdf/resources.pdf)

In September 2000, the Multiple Sclerosis Society of Canada submitted a brief to the government of Canada in which it advocated for changes to CPP and the Disability Tax Credit. That document is called *Brief Submitted to the House of Commons Standing Committee on Finance*. It is available from the national office at 175 Bloor Street East, Suite 700 North Tower, Toronto, Ontario, M4W 3R8 or online: [www.mssociety.ca](http://www.mssociety.ca). According to the brief, as of December 1999 there

were 10,027 women and men in Canada receiving CPP disability benefits. The MS Society advocated for the following changes to eligibility criteria:

- Expand the definition of disability so that the recurrent, variable and unpredictable nature of MS is captured in the definition
- Use the contributions in an applicant's best income-earning years rather than their last-earning years in determining eligibility (this would enable people with MS to continue working as long as they can, even if part-time)
- Allow people receiving CPP to work part-time or occasionally as their health permits without risking their eligibility for benefits
- Process applications, reviews and appeals each within 60 days

At present, these changes have not been made.

## II ELIGIBILITY CRITERIA

### A Contributions

There is a minimum qualifying period for CPP; the date that your disability is deemed to begin is very important:

- ✓ If you became disabled **before** January 1, 1998, according to CPP, you must have worked and made contributions to CPP in 2 out of 3 or 5 out of 10 years before you became disabled
- ✓ If you became disabled **after** January 1, 1998, according to CPP, you must have made contributions to CPP in 4 out of 6 years before you became disabled

During these contributory periods, you must have earned at least 10% of each year's maximum pensionable earnings (YMPE). This amount changes every year. The YMPE used in determining your eligibility is the one in effect during the year you apply for benefits.

If you missed the contribution dates but can prove that you were disabled earlier than those dates you may still be able to qualify for benefits. Also, if you met the contribution requirements at the time you became disabled but did not apply, you will still qualify.

**However, if you have not made enough contributions, it does not matter how disabled you are; you will not be eligible for CPP disability benefits.**

### B Definition of Disability

- You must have a **“severe”** disability, meaning that you are so incapacitated that you cannot work to support yourself. (According to the legislation, a disability is severe if it results in the person being “incapable regularly of pursuing any substantially gainful occupation” (Section 42 (2) (a) (i))
- You must have **“prolonged”** disability, meaning that your disability must be expected to continue for a long time or a significant time **after** your application. (According to the legislation, a disability is prolonged if it is determined that the

disability is “likely to be long continued and of indefinite duration or is likely to result in death” (Section 42 (2)(a)(ii))

You must be between 18 and 65 years of age and you must apply in writing.

The following are some details concerning “**severity**”, taken directly from *Canada Pension Plan: A Guide to Disability Benefits* developed by the Multiple Sclerosis Society of Canada, Alberta Division, 2000 (pages 4-10):

### **\*\*\*Medical Condition**

Your medical condition is the prime factor in determining severity.

At first glance, some disabilities may not seem severe according to the legislation, while others will. Analysis of the medical condition will be required. Medical experts do the initial “medical adjudication” when your application is received.

In looking at the medical condition as an indicator of severity of disability, there are many factors that may be taken into account.

#### What is the nature of the medical condition?

This is assessed using medical knowledge. Complete information, provided by you and your doctors, is essential.

#### What are the functional limitations of the condition?

Such limitations must impact the ability to work and they must do so to a severe degree- *not mildly or moderately*. You need not be bedridden or completely confined to your home. Other symptoms, such as extreme fatigue or spasticity, if properly explained, can show inability to work.

#### What is the impact of treatment?

Ongoing medication or treatments may affect long-term ability to work and if so, you must be sure to show how.

### What do the medical statements suggest?

A medical statement of “severe” disability will be examined to determine whether it fits the CPP definition or is being used in another way. For example, your doctor may consider factors not relevant to a CPP determination, such as the availability of a job in your area. If your doctor states your condition is severe, the evidence presented must support this.

### Are there multiple medical conditions?

A disability may not be considered severe on its own but a combination of mental or physical disabilities may be.

### Will personal characteristics be considered?

Any personal characteristics that show incapacity to work now and in the future are considered, although medical condition is the most important factor. For example, your age and education will be considered in whether or not you are suitable for other employment. Remember, each case is decided individually.

### **\*\*\*Incapable Regularly of Pursuing Any Substantially Gainful Employment**

This requirement of severity can be further broken down into what is “incapable”, what is “regular”, and what is “substantially gainful”.

#### **Incapable**

In determining whether you are “incapable” (of working), CPP will consider many factors:

### What is the effect on eligibility if I am currently working?

If you are working full-time, CPP will deny your claim, as you do not require disability benefits. Part-time work may also indicate that you do not require benefits, although if your disability does not allow a greater amount of work and if your earnings level is below the earnings of a substantially gainful occupation, you may not be automatically disqualified from receiving benefits. However, any type of employment is often interpreted to mean that you do not need disability benefits.

### If I am not working, what effect does that have?

To have the greatest chance of receiving benefits, you should not be working when you apply. However, the mere fact that you do not work does not mean that CPP will assume you do not have the capacity to work. The issue is whether or not your medical condition indicates inability to work and if your evidence can support this.

### Will volunteering affect eligibility?

Volunteering does not automatically indicate capacity to work. Medical condition and medical evidence will still be looked at. You need to be aware that it may be considered, however, as an indicator of capacity to work, when you apply. If you are receiving CPP benefits and then decide to volunteer, and you continue to have a severe disability, you do not need to report the volunteer work unless you are specifically asked about it.

### If I am self-employed, what effect will this have?

Your capacity to work is assessed with an even greater reliance placed on medical evidence. They will also look at the impact of the disability on the business, previous job duties compared with current job duties, whether others aid in your efforts, and income tax and business statements (to look at earnings).

### Am I able to earn while receiving CPP?

While you are not able to be working when you *apply* for CPP, once you are deemed eligible for CPP you are able to earn up to \$4000 (before tax) within a calendar year without it affecting your CPP benefit. You do not need to declare this money or contact CPP until you have earned **over \$4000**, at which time CPP requires that you contact them so you can discuss the regularity of your work.

**EXCEPTION- many Long-Term Disability Insurance plans will not allow you to work in any capacity. If you are receiving combined LTD & CPP benefits, and are considering going back to work, it is very important that you check the terms of your LTD plan carefully and contact the MS Society.**

### Will CPP help me if I return to work?

CPP gives you permission to experiment with work and allows you to earn up to \$4000. However, if you have been able to work regularly

and have reached the \$4000 maximum earnings, you are required to contact CPP to discuss your individual situation. They will give you 3 months to explore if you are medically capable of regular employment while continuing to provide your CPP benefit. If, at the end of 3 months you are coping with the demands of the job, your CPP benefit will stop. **IT IS IMPORTANT THAT YOU MAKE THE NECESSARY CONTRIBUTIONS TO CPP ONCE YOU HAVE RETURNED TO WORK** (most employers do this automatically, however those who are self-employed must make manual payments).

#### What happens if I have a significant exacerbation and cannot work again?

If anytime within the next 5 years the same disability prevents you from working again, your CPP application will be fast-tracked. That means when you re-apply there is a shorter application process and that if you re-qualify, you will receive a retroactive payment reinstating your benefits within 90 days.

#### If I am receiving Employment Insurance (EI), will this affect my eligibility?

Because EI requires that the applicant be available to work, if you are receiving EI and claiming CPP disability benefits, CPP will view your application cautiously. You are believed to have the capacity to work if on EI and your CPP application for disability benefits will likely be refused. However, if you are receiving EI sickness benefits, which are temporary, this does not indicate ability to work, and you should apply for CPP disability benefits.

#### What if I am receiving other insurance benefits or Worker's Compensation?

Whether you are receiving other benefits is not a factor in determining eligibility for CPP disability benefits, or in determining the amount given, if qualified. However, you should be aware that your insurance company or other benefit provider will likely reduce their benefits if you are receiving CPP disability benefits as well. This is called offsetting of benefits.

In the case of retroactive CPP benefits (payments for time when you were eligible but were not receiving benefits) you will have to repay your other benefit provider, as you are essentially being paid twice for the same period (once by CPP and again by the other benefit provider). This will be done with your first CPP payment. You can make arrangements for CPP to pay the money directly to the other benefit

provider by giving written consent. CPP can only do this from your first retroactive payment and your first monthly payment. You should not cash your cheque right away if you have not had the repayment amount automatically deducted by CPP. Although you may need the money, you need to repay the other benefit provider first.

#### What if I am going to school or pursuing retraining?

Whether you are able to work is still considered. Just because you are acquiring new skills and education does not automatically make you capable of working. However, you should be aware that it will indicate capacity to work in the future, thus likely not making your disability prolonged. You will still want to apply while you are going to school, as there is no guarantee that you will be able to work when you have completed the schooling or retraining. If you are able to receive benefits and then decide to go to school or retrain, you need only inform CPP of this when you have completed a particular program or course which will enable you to get a job.

#### What if the job market is bad and I cannot find work that is suitable for my abilities?

If the only reason you are not working is because the job market is poor, then you will not qualify. You are able to work in this case but have just been unable to find a job.

### **Regularly**

You must be able to show that you are incapable “regularly” of pursuing any substantially gainful occupation. If you are incapable “regularly”, the incapacity is persistent. In other words, your capacity to work cannot be sustained.

#### What if I work only a few hours a week or only once in awhile?

If your condition prevents you from working more than this, that will be considered. Also considered is your past work history. If you have only ever worked a few hours a week or you worked periodically, then this may show your disability is not causing reduced work and the disability is not severe.

## **Pursuing Any Substantially Gainful Employment**

“Pursuing” any substantially gainful employment does not refer to whether you are seeking employment. CPP requires incapacity to actually engage in the employment rather than the incapacity to look, find or obtain work.

### If I am looking for work, will that disqualify me from eligibility?

While the fact that you are looking for work does not automatically mean you are capable of actually working, this may show you do not think you need disability benefits and you may be denied. Other factors will continue to be looked at:

“Any” substantially gainful employment is not limited to employment similar to what you previously had. It is employment that CPP thinks you might reasonably be expected to do.

### If I possess skills to do a different job than what I previously did, will this affect my eligibility?

You may possess skills and still be incapable of working regularly because of your disability. But if you are actually able to work in a different job regularly, then you will not be considered eligible for CPP.

### Will my ability to be retrained be considered?

Yes. If you would be capable of working regularly with retraining, and retraining is a practical option (e.g., you are in your most active years of your working career or retraining can be done in the short term), then you will likely not qualify. If retraining can be obtained in the long term, you may be granted the benefit and then sent to Vocational Rehabilitation if appropriate.

Determining what is considered “substantially gainful” involves looking at a number of factors, such as the level of your earnings, whether or not you are productive and how well you are working at your job.

### Will CPP pay for vocational rehabilitation?

Yes, if CPP determines that:

- with a vocational rehabilitation program you will likely to return to work
- you are receiving CPP benefits
- you are willing and able to undergo a vocational rehab program, AND
- your medical condition is stable and your doctor approves

### At what level of earnings will CPP deem me ineligible?

CPP uses a set earnings level which is based on a formula and which changes every year, as a guideline to determine eligibility. At first glance, the receipt of earnings, wages and income will usually indicate capacity for CPP purposes and your claim will be denied. However, they will still consider your reduced workload due to your disability, whether you are viewed as working to your full capacity and your ability to work at a different job. It is possible to show that the earnings are not sufficient and disability benefits will be required.

### What if I have income but it is not from actual work on my part?

It is rare that you will have income and not be considered productive. Strong evidence would have to show that the earnings or profit is not a sign of capacity (e.g. the earnings are attributed to the person with a disability only for tax purposes).

### What if I am employed but have so many difficulties that I cannot carry out my job?

This goes to showing your level of job performance. If you are not working well at your job, this will be considered. Some individuals can continue to be employed because of a generous employer, for example, but they are really unable to work.

The following are some details concerning the meaning of “**prolonged**”, taken directly from *Canada Pension Plan: A Guide to Disability Benefits* developed by the Multiple Sclerosis Society of Canada, Alberta Division, 2000 (Pages 10-12).

If the disability is found to be severe, then it must also be found to be prolonged. Whether the disability is prolonged is assessed after it is first determined that the disability is severe.

“Prolonged” at the time of application does not refer to past duration of the disability, although that may help show it is prolonged at the time of application. The question is whether the disability is something that is likely to be long continued in the future.

### **\*\*\*Long Continued and of Indefinite Duration**

There is no precise definition of what is considered “long continued” but the disability must be seen to continue after the date of application, and it is suggested that it do so for at least one year after the date of application.

If I will regain my capacity to work within one year of the date of application, will this affect my eligibility?

Your disability will likely not be considered “long continued”, thus not prolonged. Therefore, even if it is considered severe, you will still be denied.

For the disability to be of “indefinite duration”, then no date of regained capacity can be accurately predicted. If a date of regained capacity can be identified, even if it is greater than one year, you will not be eligible for the benefit.

If it is believed I will be able to return to work in the future, will this affect my eligibility?

If it is thought that you will be able to work by a certain date, you will not be considered to have a disability of indefinite duration. Therefore, you do not meet the “prolonged” component of disability. However, your ability to return to work is often not a certainty. Where return to work is not certain, you are encouraged to still apply, as there is a possibility you will not regain capacity and if you do, your benefits can be discontinued.

### **\*\*\*Likelihood of Death**

Where the evidence shows that the medical condition is likely to result in death, then the criteria of prolonged is met. The date at which death is likely to occur is not a factor.

### III CHILDREN'S BENEFITS

Here are some details about children's benefits:

- Dependent children may receive benefits if you as an applicant qualify for CPP benefits (current maximum \$192.68/month)
- Dependent children are those who are under 18 years or between 18 and 25 and attending school full time
- Dependent children are your natural or adopted children
- Dependent children are in your custody and control
- For children under 18 and who are in your care, attach their birth certificates and proof of their relationship to you along with the applications
- When children turn 18, they are not considered dependent and must be going to school in order to continue receiving benefits
- For children under 18 who are in someone else's care and custody, a form called "Application for Benefits for Under Age 18 Children of Disabled Contributor" should be filled out by their caregiver. That person (or provincial agency) will be paid the benefit for that child
- In the event of joint custody of the child, contact Human Resources Development Canada at 1-800-277-9914

Children between 18 and 25 who are attending a recognized educational institution:

- ✓ Must fill out 2 forms: 1) "Application Child's Benefit Canada Pension Plan" and 2) "Declaration of Attendance at School or University" and have them signed by a school official every year or semester
- ✓ Benefits are paid directly to the child
- ✓ If the child ceases to be a full time student, s/he no longer qualifies for benefits. If s/he resumes student life, s/he must reapply for benefits

If the child is over 25, s/he is not considered dependent whether or not s/he is attending school full time. If at any time you, as the applicant, are no longer eligible to receive benefits, your children are no longer eligible either.

## IV THE APPLICATION PACKAGE AND PROCESS

You can talk to a person from CPP by telephoning 1-800-277-9914. When you contact them, ask for an application form and a Statement of Contributions. Also ask them if you are eligible for benefits based on your contributions. Applications are also available online at: [www100.hrdc.gc.ca/forms/isp2512ke.pdf](http://www100.hrdc.gc.ca/forms/isp2512ke.pdf) however you must apply in writing.

The application package includes:

- ♦ A booklet called *General Information and Guide* that tells you what information to provide with your application
- ♦ Application for Disability Benefits
- ♦ Questionnaire for Disability Benefits
- ♦ Authorization to Disclose Information/Consent for Medical Evaluation
- ♦ Medical Report
- ♦ Child-Rearing Drop out Provision

### A Application for Disability Benefits

You should apply for CPP benefits as soon as you are unable to work because of your disability.

### B Questionnaire for Disability Benefits

**Along with the Medical Report, the way you answer these questions will determine whether or not your application is accepted.** Answer them clearly, carefully and completely. If you need to add pages to your application, do so. Put your name and SIN on the top of every additional page. Further:

- ✓ Base the information you give on days when the symptoms and functional limitations of MS are the **most severe**
- ✓ Only provide **relevant** and **focused** information on your medical condition(s)
- ✓ Provide enough relevant detail to show how MS is **preventing** you from working and how it is affecting your daily life
- ✓ Make sure your answers throughout the application are **consistent** with each other
- ✓ Make sure your doctors have provided **consistent** rather than contradictory information
- ✓ Type your answers if possible

Most applications are rejected because it is argued by CPP that the applicants could do some kind of work. Therefore, it is crucial to the success of your application that you show **clearly and thoroughly** what your limitations are and how they prevent you from working. If, for example, MS exacerbations make you an erratic worker, it would be useful to point out how often this happens and how you are affected by exacerbations. If fatigue is a debilitating symptom for you, describe in detail the triggers that make fatigue worse for you (activity, heat, stress) and how this affects your capacity to work.

### **Question 5**

This is where you enter the date you stopped working. This date is very important because disability benefits are payable to you from the fourth month after you have become disabled according to CPP. How MS has affected your employment and resulted in your stopping work is explained here. Provide a lot of detail.

### **Question 10**

Indicate whether your employer accommodated your disability by redefining the type of work you do or you changed to a job that was easier for you to do because of your MS.

### **Questions 11 and 12**

In order to qualify for CPP disability benefits, it is assumed you cannot or will not likely return to work because of the prolonged duration of your disability. Therefore do not suggest or imply that you will be returning to work, want to return to work or that your doctor thinks you should or can return to work, at some point in the future. Your application will be turned down if you do.

### **Question 16**

The date you felt you could no longer work should coincide with the date given in Question 5, i.e., when you stopped working. If the dates are not the same, provide a clear and detailed explanation for this.

### **Question 18**

State your illnesses or impairments precisely. This may be MS alone (e.g. Multiple Sclerosis and the symptoms of MS) or MS and other

medical conditions (eg. Multiple Sclerosis and the symptoms of MS; Depression)

### **Question 19**

Describe your illnesses or impairments precisely and thoroughly and how they prevent you from working.

It is useful to describe your symptoms using the following categories and then list your specific symptoms and how they prevent you from working. If one of these symptom categories does not apply to you it is OK to write “I have not had any [e.g. visual problems] at this time.”

**The following are short examples, however it is important that you give thorough and concrete examples.**

- i. *Motor symptoms*- e.g. heaviness of limbs make it difficult to type for hours at a time; weakness of arms and legs which leads to incoordination and difficulty walking and standing for the period of time that my job requires.
- ii. *Sensory symptoms*- e.g. I experience pins and needles in my hands that interfere with my dexterity and ability to type.
- iii. *Visual symptoms*- e.g. I regularly experience double vision that makes me feel off balance and dizzy and I find it very difficult to concentrate on my work.
- iv. *Bladder Dysfunction*- [frequency; retention; hesitation; urgency; loss of control] e.g. I experience bladder dysfunction, including frequency issues that require me to have an office close to the washroom.
- v. *Bowel Problems*- [constipation; diarrhea; urgency; loss of control] e.g. I experience diarrhea – which on occasion has lead to a loss of control. This causes me great stress and embarrassment at work.
- vi. *Fatigue*- e.g. I experience bouts of fatigue. It is probably my most debilitating symptom. Feelings of weakness, listlessness and emotional fatigue result in an inability to function towards the end of the work day.
- vii. *Dizziness*- e.g. I experience feelings of dizziness and spinning that cause extreme nausea and make my job as a bus driver very difficult.
- viii. *Mood Changes*- e.g. I get irritable and impatient at work the more tired I get. This is difficult when I am working with the public every day.

- ix. *Memory*- e.g. I have problems with concentration, particularly when I am in meetings or reading information. My short term memory is noticeably impaired, however my long-term memory appears to be OK.

### **Question 20**

If you have other health-related conditions or impairments that have not been described yet (in Ques.18) describe them **thoroughly** here (e.g. osteoporosis) The cumulative effects of your primary disability (MS) plus these additional conditions and impairments may help to render you unable to work according to CPP (if MS alone did not).

### **Question 21**

In this question you are being asked to describe the **extent** of your disability as it relates to non-work activities. Answer this question **thoroughly** to show how **all** of your life activities have been affected in a negative way. This can include hobbies, social activities, volunteer work, sports, etc. State any limitations that your disability has created in these areas.

Eg. I used to play tennis 3x per week, however the effects of heat and fatigue have made it difficult to play since June 2003. I no longer watch TV, as I find it difficult to concentrate, as well as remember what is happening on the show from beginning to end.

### **Question 22**

This question asks about the **extent** of your limitations in activities such as standing, sleeping, and driving, etc. For many of these activities, it is useful to describe your ability to perform based on a bad day and on a good day. For each activity, provide as much detail as possible about what you **cannot** do rather than what you can do.

- ✓ **TIP:** In the spaces provided for your answers to Ques.22 on the original application, state the page # of the appended page where your answer is (e.g. Reaching - "See page 5 of appended pages"). At the top of each page of your application (both original and your appended pages) include: your name and SIN

The following are **examples** of the sort of detail you need to provide:

***Sitting/standing-[how long? Do you experience pain? If so where?]***

- i. *Sitting*-egg. On a good day I can sit for 2-3 hours providing I am sitting in a chair with armrests and good padding before I feel pain. On a bad day I can sit for 1 hour. I tend to have 2 bad days per week; 3 good days and 2 average days. I find it difficult to cross my legs while sitting as I tend to lose balance.
- ii. *Standing*- e.g. On a good day I can stand for 20 minutes without support; on a bad day I can only stand momentarily without support. On average I have 2 good standing days per week; 3 bad and 3 average. I can stand for longer if I have a walker or cane, but I still find it difficult

***Seeing/Hearing-***

- i. *Seeing*-egg. I have blurred vision that tends to gets worse in the evening whereby I experience double vision.
- ii. *Hearing*-egg. I occasionally have ringing in my ears- otherwise my hearing is OK.

***Walking-[How far? For how long?]*** e.g. I can walk 3 blocks on a good day and 1 block on a bad day with 3 minute rests along the way. With a walker I can walk 6 blocks on a good day and 2 blocks on a bad day. I am able to do this daily but find that walking down hills and using stairs is difficult even on a good day.

***Speaking-*** e.g. When I am really tired I tend to slur my words.

***Lifting/carrying- [try to picture a bag of potatoes or bag of sugar – what is the maximum weight you could lift? Would you be able to lift as well as carry it? Do you experience pain? If so, where?]***

- i. *Lifting-* e.g. The maximum I could lift is 10lbs to waist level. I would require support when bending to pick up. I cannot hoist more than 5 lbs above shoulder level. This is a daily challenge.
- ii. *Carrying-* e.g. I could not carry more than 10lbs without help or using my walker basket to carry items.

***Remembering-[Do you forget things? What kinds of things?]*** e.g. I have extreme difficulties with my short-term memory and I need to carry a notebook with me at all times to write myself reminders. I forget words very easily, particularly when I am feeling stressed. My long-term memory seems fine.

**Reaching**-[Can you reach up and/or across for things? What happens?] e.g. I cannot reach up without getting dizzy and losing balance. I do not use the upper cupboards in my kitchen or closets.

**Concentrating**- e.g. I have difficulty concentrating on conversations, when reading and watching TV. My mind wanders easily particularly when I am in stimulating and busy environments.

**Bending**-[From standing and sitting position] e.g. I can bend at the waist as long as I am holding on to support. If I do not have support I prefer to get on my knees otherwise I get dizzy and feel like I will fall.

**Sleeping**-[How well? Do you need sleeping pills? Do you feel rested in morning?] e.g. My sleeping is fitful. I go to sleep at 10pm and wake at 3am. I sleep lightly until 7am. I rarely feel rested, even when I take a sleeping pill to help me sleep. I try to nap everyday for 2 hours.

**Personal needs**-[do you need special devices or assistance?]

- i. **Eating**- e.g. food tends to go the wrong way more than it used to. I have particular trouble with hot liquid. I use a straw when I drink.
- ii. **Washing hair**- e.g. I cannot wash my hair in the shower because I need one hand for stability on the wall. Instead, I usually wash my hair every 3 days in the sink. I used to wash my hair daily.
- iii. **Dressing**- e.g. I get dressed sitting on the bed rather than standing due to fatigue. It takes me approx 15 minutes to get dressed now, whereas before it would take 5 minutes.
- iv. **Other personal needs**- [Cutting nails; shaving; brushing teeth, etc] Explain how these and any other personal needs have changed due to your MS. Eg. I can no longer use a razor to shave due to muscle spasms. I used to shave every other day but now I use an electric razor every 4 days.

**Breathing**- e.g. I find myself taking deep breaths/sighs in order to get a good breath.

**Bowel & Bladder Habits**-

- i. **Bowel Habits**- [constipation? diarrhea? urgency? loss of control?] e.g. Constipation & diarrhea are common and cyclic occurrences for me. I have loss of control on a few occasions.
- ii. **Bladder Habits**- [frequency? retention? hesitation? urgency? loss of control?] e.g. I experience the following bladder issues: frequent voiding (*state day/night or both*); retention; hesitancy; and the occasional loss of control.

**Driving a car-** e.g. I am able to drive on good days for distances no longer than 40km (or time: 2 hours maximum). On bad days I do not like to drive as I feel less confident in my ability to concentrate & respond.

**Household maintenance-[what? How often? assistance required?]**

- i. **Cooking-** e.g. I tend to cook instant meals or get takeout because I do not have the energy to cook. I used to enjoy cooking and would make homemade meals from scratch approx 5 days a week.
- ii. **Cleaning-** e.g. I used to vacuum and dust every week. Now I vacuum and dust every 2 months. I use disposable plates as I do not have the energy to wash them. Although I try to sweep the floors every 2 weeks, I rarely wash the floors.
- iii. **Laundry-** e.g. I used to do laundry twice a week but now I do it every 2 weeks as it takes too much effort to walk to the laundry room in my building. I find it difficult to carry large loads and often require assistance.
- iv. **Shopping-** e.g. I do not shop for groceries as often as I used to (now every 10 days compared with 2x week). I always require a shopping cart for stability while shopping. On a good day I can shop for 20 minutes using the cart as a mobility device. On a bad day I cannot shop and I rely on family to pick up the things I need.

**Using public transportation-** e.g. I do not use public transportation because I cannot walk the 4 blocks to the bus stop. I also worry about not having access to a washroom on a bus. However if I did take transit I would require a seat as I could not stand without losing my balance. I sometimes use Handy dart when I cannot drive.

**Questions 23-25**

These questions ask you about every general practitioner and specialist you have seen and every hospital stay you have had in the past 2 years. **List every one of these.**

**Questions 26**

List all medications you are currently on, including those that may not be for MS.

**Question 27**

Describe other treatments you have had for your MS or treatments you are currently receiving. Include **all treatments**, including counseling, physiotherapy, acupuncture, massage therapy, etc.

### **Question 28**

If your GP or neurologist is planning on future treatments or medical tests describe what they are and when you expect to start them.

Eg. My neurologist is planning to start me on \_\_\_\_\_ in July or August of this year.

### **Question 29**

List all medical devices you use or need to use [cane, walker, wheelchair, scooter, grab bars, ceiling lifts, etc] . Eg. I use a cane everyday and my walker when I am having extreme difficulty with my balance and walking. I have grab bars beside my bathtub to assist me with getting in and out safely.

### **Question 30**

Indicate **YES**- that you would consider vocational rehabilitation if your condition improved since this question is qualified with “if suitable”. It may however be reasonable not to consent, when, for example, you are in your 60s.

NB. This question has **no** impact on the application process.

## **C Medical Report**

**The medical report is the most important part of the application,** according to CPP. You should know that if your physician does not support your application, does not provide evidence for severe and prolonged disability or provides contradictory information, you most likely will not receive CPP benefits. Here are some points to help you with this section:

- Choose the doctor to complete this report who best knows you, your disability, why and how it has prevented you from working and how it has affected your daily life
- Make an appointment with this doctor specifically to talk about your application and how s/he should complete the report to increase the likelihood of your application being accepted
- Your doctor should complete it knowing that CPP:
  - ✓ Wants to know about your medical condition(s), history, treatments and prognosis

- ✓ Will most likely reject the application if the doctor indicates **the possibility of any return to work of any kind**
- ✓ Is only interested in the person's inability to work at any job. Therefore being unable to return to former employment is irrelevant
- ✓ Is not interested in irrelevant information such as age, educational level, language ability, past work history (these may be deficits for some people but they are not disabilities)
- ✓ Is only interested in detailed objective medical information that substantiates the severity and prolonged duration of your disability such as x-rays, lab reports and other test results
- ✓ Is interested in medical opinion based on observation but is not interested in the conclusions drawn from observations

Additional information from specialists such as neurologists, urologists, surgeons and neuro-opthamologists may carry extra weight or status in the application process. These specialists have a deeper knowledge of the specific condition they are treating you for and that knowledge is very important.

On the other hand, specialists tend not to know you as well as a general practitioner. Nor do they know the details of the ways your disabilities have impacted upon your work and daily life. This is particularly true if you have multiple disabilities. **Whoever can best write a report on your behalf is the person who you should choose to write it.** If you have reports from specialists, make sure they include only relevant information. Ensure that their information is **consistent** with your general practitioner's report. Put your SIN on every page that is additional to the application.

Request that your physician return the medical report to you so that you can include it with the rest of your application and send it all at once. Photocopy it with her/his permission. All of your doctors will bill you for writing their reports.

If you think your doctor does not understand the variability and unpredictability of MS very well, feel free to provide her/him with literature from the Multiple Sclerosis Society of Canada.

Documents and/or letters of support from other medical professionals, family and friends can also be submitted to support your application. All of these documents must be relevant, consistent and up to date. To be useful, all of them must focus on your inability to work or on the way your daily life has been affected by your disabilities.

## **D Authorization to Disclose Information**

You will be asked to sign a release of information form. When signed, it allows a very large amount of information to be collected about you. The information includes medical, employment and educational information. It also provides consent to be evaluated by a doctor and/or to submit to diagnostic tests. You have the right not to consent. However, in practical terms, CPP will interpret your lack of consent negatively and not accept your application. If you do consent, the Privacy Act, the Access to Information Act and the Canada Pension Plan Act will protect the information collected about you. You can also request access to any such personal information collected about you.

All of this information is collected to determine your inability to work. Make sure that you are aware of what your employer, insurance company, doctors and hospital records say about your inability to work (and make sure they know how important it is that the information they provide is consistent with CPP eligibility criteria). Since the only information CPP wants is related to your inability to work, the information given to them by those listed above should only include that information. That is, they do not have to send all information about you to CPP, only that which relates to your inability to work. You may want to talk with those people who may be approached in the future by CPP for further information about you so that they understand what information to provide and what information not to provide to them.

## **E Child-Rearing Drop out Provision**

This provision is for an applicant who made low or zero contributions to CPP because they were full-time caregivers of their children under the age of 7 during the qualifying period. This provision is meant to improve your chances of meeting the contribution requirements and to increase your monthly benefits if you do eventually qualify. To receive the drop out provision, you must have:

- Cared for children under the age of 7
- and**
- Been receiving Family Allowances **OR**
- Been the spouse of someone receiving Family Allowances and remained at home as the primary caregiver of a child (in this case, the recipient spouse must give up her/his rights to the provision in your favour) **OR**
- Been eligible for the Child Tax Benefit or would have been eligible had you applied for the benefit and no other person was eligible in respect of the same children

The primary caregiver is the person who was most responsible for meeting the day to day needs of the child. To be eligible for the Child Tax Credit, you need to have been the primary caregiver of a child under 7, had to have been living with that child and have been a resident of Canada for income tax purposes. Complete the form and send it in even if your eligibility for the tax credit has never been determined.

## **F Submitting the Application**

- ✓ Make sure you have filled in all parts of the application
- ✓ Be sure to send in the Application for Disability Benefits, the Questionnaire for Disability Benefits, the Authorization to Disclose, the Medical Report and the Child-Rearing Drop out provision (if applicable to you)
- ✓ Be sure you have enclosed all the documentation required
- ✓ Include all optional documentation
- ✓ Include all identification documents for you and your children (Birth Certificate, Social Insurance Number (SIN) card)
- ✓ Number and write your name and SIN on all pages you are submitting

- ✓ Sign and date every form
- ✓ Make *copies* of everything you have submitted including the medical report
- ✓ If you mail your application, mail your complete application package to the address in the General Information Guide that came with your package and send it by registered mail
- ✓ If you are submitting the application in person, phone Income Security Programs at 1-800-277-9914 to make an appointment. Bring proof of birth to this appointment. Applying in person does not speed up the application process or increase the likelihood of being accepted for benefits
- ✓ It will take between 4-6 months to hear if your application has been accepted

## V OUTCOME OF APPLICATION

### A Acceptance

If you are considered disabled by CPP, you will receive a “Notice of Entitlement” letter. It will tell you:

- The date you will begin receiving money (usually 4 months after CPP judges you to be disabled, known as the “date of onset”)
- The amount of money you will be receiving
- The amount of retroactive benefits if any (for no more than 12 months)

### B Reassessment and Withdrawal of Benefits

Benefits are not guaranteed for life once you have qualified for them. People who receive CPP benefits will stop receiving them when:

- They are no longer disabled according to CPP (when they no longer have a severe or prolonged disability)
- They reach the age of 65 when automatically the benefit turns into a retirement pension
- They die

When you apply for CPP disability benefits **you agree** to continue providing information about your medical situation and your ability or inability to work. You also agree to let CPP know if you are working regularly and have earned over \$4000, regardless of whether it is full-time, part-time or temporary work.

**If you begin to work regularly** CPP requires that you contact them to discuss a return to work trial. If you work only occasionally, you may still be eligible for benefits. But remember that your ability to work is what CPP is interested in. So, if it looks like you can work and are in fact working, you will most likely be withdrawn from benefits after a 3 month return to work trial.

Every now and then CPP reviews your file to determine if you are still eligible for benefits. They let you know what their decision is. The choices are: continued eligibility, cancellation & referral to rehabilitation.

### C Cancellation

There are several reasons why your benefits may be cancelled:

- ♦ You did not report return to work earnings over \$4000
- ♦ You have refused to provide updated medical information
- ♦ You did not report a change or improvement in your circumstances

**CPP can:**

- ♦ Find out if you have been working by checking with insurance companies, employers and Revenue Canada
- ♦ Make you pay back benefits you received when they think you should not have been receiving them

**D Fast Track Re-applications**

If you return to work (CPP benefits stopped), then become unable again to work because of the same disability you must re-apply for benefits.

However, your application will be “fast-tracked”, meaning the application process will be shorter for people who:

- ✓ Have had a CPP disability benefit cancelled within the last 5 years
- ✓ Have stopped working in the last 6 months *AND*
- ✓ Stopped working because of the same medical condition for which benefits were originally received

*\*\*All three of these requirements must be met simultaneously.*

Even if you are fast-tracked, you will not automatically become eligible for benefits. You must still meet the definition of disability and have made the appropriate contributions. The years you were receiving benefits are left out of the calculation of contributions.

If you are disabled by another condition your application will be reviewed the same way your first one was.

## E Vocational Rehabilitation

This is a **voluntary** program meant to assist people in returning to work at some point. Eligibility criteria includes:

- ✓ Medical stability
- ✓ Motivation and willingness to participate
- ✓ Ability to cope with a work-related rehabilitation program according to a doctor
- ✓ Residency in Canada

Rehabilitation services may include guidance, a return to work plan, assistance in getting retraining which Human Resources Development Canada (HRDC) may cover the costs of, and assistance in finding new employment. Retraining may be for a different kind of work than you had before.

While in receipt of vocational rehabilitation services, you will continue to receive CPP benefits. After retraining, the rehabilitation worker will assist you with finding work for three months (which may be extended in exceptional circumstances) during which you still continue to receive benefits.

Retraining may not result in finding new work. If you are capable of working, but you have not found work, your benefits will probably stop after three months because the reason you are not working is due to labour market conditions, not your inability to work. If you do find a job, you will receive benefits for the first three months of your new job.

You may volunteer and retrain as much as you like without having to notify CPP, **as long as you are still considered disabled under CPP legislation; that is, you have not regained the ability to work regularly because of your severe and prolonged disability.**

If your medical condition improves or if you regain the capacity to work regularly through school or retraining, or if you complete a program that will enable you to obtain a job, you must notify CPP. Your eligibility will then be re-assessed. If you have regained the capacity to work and you have been receiving benefits, you will have to repay the benefits you received.

These are the stated regulations. In practical terms however, **you should not consider vocational rehabilitation** unless you have regained the ability to work regularly and you no longer have a severe and prolonged disability.

## **F Rejection**

If you are rejected for benefits you will receive a letter stating the reasons for rejection. You will be rejected either because CPP thinks you do not fit the definition of disability (severe and prolonged) as evidenced by your application and are therefore able to work or you did not make the required contributions into CPP.

## **G Appeals**

Appeals can be made regarding the amount of benefit, the date the benefit begins, the ineligibility decision or the cancellation decision.

Appeals **must** be based on the reasons for rejection. It is irrelevant to argue that you need more money to live on since financial need is not one of the criteria for eligibility.

**There are three stages in the appeal process.** The appeals first go to Reconsideration, then to a Review Tribunal and then to the Pension Appeals Board in that order, if the first stage of the process is not successful. In the preliminary stages of an appeal you often will not require legal help. The assistance of families, friends or lay advocates may be all that you require. If the appeal process continues on to more formal stages involving panels, boards, tribunals and commissions, you may require legal assistance. When you receive an appeal kit (having asked for one first) you will be given the relevant addresses and contact numbers for each stage of appeal. **At every level you must make your request within specific time limits.**

### **Stage 1: Reconsideration**

- The Reconsideration is done by Human Resources Development Canada (HRDC), the federal government's ministry responsible for CPP. It is handled regionally. Your case will be reviewed by people not initially involved with your application

- You must notify CPP **in writing** that you are requesting a reconsideration within **90 days of receipt of your letter** of rejection. You should also request a copy of the **Disability Summary Sheet** on your denied application. The Disability Summary Sheet outlines CPP's review of your application. It is important for you to have because it shows you what areas to address in your appeal. In Section VI of this booklet, there are sample letters that show you how to: **(1)** write a preliminary letter of appeal to CPP (page 37), **(2)** request a Disability Summary Sheet (page 38), and **(3)** write an appeal (reconsideration) letter (page 39)
- Provide reasons for your disagreements with their decisions
- Only the request for reconsideration has to be sent within 90 days; supporting documentation backing up your arguments can be forwarded later
- Supporting documents should include **new** information from doctors, articles on MS that are pertinent to **your** diagnosis, a summary of your symptoms, a journal of how your life has been affected or a description of the ways your life has changed for the worse. Using the Disability Summary Sheet as a guideline, address all areas itemized that you do not agree with and state why do not agree
- New medical information must focus on the relevant time frame CPP is interested in
- You may request new letters of support from **anyone** who can provide relevant information to support your case so long as the information they provide focuses on the issues and dates contained in the Disability Summary Sheet. "Anyone" includes health professionals other than your doctors such as physiotherapists, mental health workers, counsellors and nurses, to name only some. It can also include past employers and rehabilitation personnel
- A sample letter requesting new information from a doctor can be found on pages 40-41 of Section VI of this booklet. This letter was taken from a booklet called *Canada Pension Plan Disability Benefits: Application Guide*, developed by the BC Coalition of People with Disabilities (2001, page 38)
- It is better to send the best rather than the quickest information to back up your arguments
- State your name, address, SIN and phone number

- If a friend or advocate is helping you at this stage, indicate this and supply their name, address, phone number and describe their relationship to you
- Sign the letter

You should request **all the information that CPP has on your file** at this stage so that you can counter their reasoning and decisions. You can do this by filing out a “**Personal Information Request Form**” and sending it to the Office of the Privacy Commissioner of Canada at 112 Kent Street, Place de Ville, Tower B - 3<sup>rd</sup> Floor, Ottawa, Ontario, K1A 1H3 Telephone: 1-800-282-1376. The Privacy Act of Canada gives you the right to see any file the government has concerning you. You can request this form by calling toll free 1-800-277-9914. It will likely be a month before you receive your file.

If you are successful at this level of appeal, you will receive a letter stating so. The time this takes will vary depending on many variables including whether or not CPP has asked you to submit to an independent medical examination. You will receive benefits beginning the fourth month after you stopped working if you are successful.

*If you are unsuccessful, you will proceed to the next level of appeal, Review Tribunal.*

### **Stage 2: Review Tribunal**

- The Appeal to the Commissioner of Review Tribunals is an independent tribunal hearing
- You have **90 days** to submit your appeal in writing once you have received a letter about the reconsideration decision
- Provide your name, address, SIN, phone number and date on the denial letter, as well as the date you *received* the denial letter
- Provide the reasons for your disagreements
- Sign the appeal letter
- If someone helped you with this stage of appeal, provide their name, address, phone number and relationship to you
- The same information about supporting documents (above) applies at this level of appeal. A sample letter requesting a hearing with the Review Tribunal can be found in Section VI of this booklet on page 42
- The purpose of the tribunal is to hear all the evidence presented to it and make a decision based on that evidence. It is informal in tone

- The original decision may be overturned or upheld
- There are usually three members in a tribunal. The chairperson is a lawyer, one member is a health care professional and the third is chosen from a pool of people who regularly sit on these kinds of panels
- The tribunal's decision has to comply with legislation. For example, it cannot change CPP's definition of disability as "severe" and "prolonged" to something else

When your letter of appeal is received it will be acknowledged by the Office of the Commissioner of the Review Tribunals. That office will request your file from CPP and it may be sent within 20 days. HRDC notifies the Office of the Commissioner of any other parties that may be affected by the decision of the Review Tribunal. These parties can submit documents and evidence to support their position.

You and other interested parties will receive a Hearing Case File made up of all the relevant documents (i.e. your application to CPP; decision letters; HRDC explanation of decision under appeal, etc) to be used at this appeal and the time and location of the hearing. Before the hearing an OCRD Client Services officer will contact you to confirm hearing date and answer any questions. Feel free to ask any questions about your case. You may change the date and place of the hearing if you give them 2 weeks notice, although this is not advisable. You may request more information on your file that may now be there as a result of your appeals. See the information (above) on requesting information by filling out a "Personal Information Request Form."

Much patience and persistence will be required of you during these processes. Because the hearing date is usually set 6-7 months after you initiated your appeal, it is best to use this time to fully prepare and organize excellent evidence on your own behalf for the hearing. Obtaining existing documentation on your case is the best way to do this.

To prepare for the actual hearing:

- ✓ Make sure your documents are ready, readable & organized
- ✓ Review the reasons why you were denied and write down point by point why you disagree, as these will be discussed (e.g. If you were denied because of disability criteria bring supporting documents such as hospital records, functional assessment evaluations, MRI reports, list of medication treatments)

- ✓ If you bring new information to the hearing, bring 4 copies of your submissions
- ✓ Be prepared to answer questions from tribunal members
- ✓ You may call witnesses such as physicians
- ✓ Bring your family and friends as support or witnesses; otherwise the hearing is not open to the public

On the day of the hearing, you will be given HRDC's *Submission to the Review Tribunal* that outlines your case history. It also presents the arguments they are going to use to support their decision. Review this document carefully so that you can counter any incorrect arguments.

The decision of the Review Tribunal will be sent to you and HRDC by the Office of the Privacy Commissioner within approx 8 -12 weeks. *If you are unsuccessful, you may wish to proceed to the final level of appeal, the Pension Appeals Board.*

### **Stage 3: Pension Appeals Board**

- The Pension Appeals Board (PAB) is an independent tribunal made up of judges
- You have 90 days from the date of receipt of the Review Tribunal letter to request “**leave to appeal**” (permission to appeal) by writing the PAB
- **Follow all the steps that you did in the two previous levels of appeal** (contact info; dates; why appealing; new info, etc)
- An appeal to the PAB is the only part of the appeal process that is not automatic, so it is important that you realise that you are responsible for providing ALL information to support your appeal
- When they receive your request, they will decide if they are going to hear it or not. This decision usually takes 2 months
- If they decide not to hear your appeal, then the decision of the Review Tribunal is final and binding
- If they decide to hear your appeal, they will set the time and location. It is approx one year before the case will be heard
- This hearing is open to the public and is more formal than the previous two levels of appeal
- Travel costs are paid by HRDC and minimal legal costs *if* a decision is made against HRDC
- For information on reimbursement costs, you can call 1-800-311-3820

**\*\*At this level of appeal, HRDC will have its own lawyer. You should, too. Contact the MS Society -VLAP program to see if you are eligible.**

The same information applies here as in the two previous levels of appeal regarding obtaining new information on your file by filling out the “Personal Information Request Form”.

As soon as new information is available to you, you should pass it on to the PAB. If you are sending it, it should arrive no later than 2 weeks before the hearing and if you are bringing material with you on the day of the hearing, be sure to bring 5 copies of your documents. However, if you bring a lot of material with you on the day of the tribunal, you should be aware that you will not have given tribunal members adequate time to consider it in their decision. It is better to ask for an adjournment of your hearing than to bring forward important material that is not going to be given serious consideration.

If you are at the appeal because HRDC is appealing the decision of your case by the Review Tribunal, make sure you are aware of its reasons and arguments for doing so. That way you will be better able to defend your arguments.

Decisions made by the PAB in the past may have a bearing on the decision that will be made in your case, if the cases are similar. You may obtain reports of past decisions in *Canadian Employment Benefits and Pension Guide Reports*. It is available by calling 1-800-461-5308 or by visiting your nearest law library. The Legal Resource Centre of the Legal Services Society has an Electronic Law Library that can be reached at [www.bcpl.gov.bc.ca/ell/](http://www.bcpl.gov.bc.ca/ell/). POVNET also allows access to, and discussion of, pertinent court decisions. **If you can find a similar case from the past with the outcome you are hoping for, this will be helpful to you.**

Another helpful thing to do in preparing for your hearing is to attend one yourself. That way you will know what to expect. You can call the Pension Appeals Board at 1-888-640-8001 to find out when hearings are scheduled in BC.

It is very helpful to tribunal members and for you and your lawyer to make a **written submission** rather than constructing your case "on the spot."

The decision regarding your case will be sent to you in 6-12 months from the date of the hearing. Decisions made by the PAB are **final** unless you proceed with a Judicial Review. Although it is rare, CPP has cancelled Judicial Reviews when pertinent evidence was brought forward to them. CPP legislation only contains appeals up to this level.

## VI DOCUMENTS AND SAMPLE LETTERS

### A SAMPLE PRELIMINARY LETTER OF APPEAL TO CPP

Regional Director  
Income Security Programs  
Human Resources Development Canada  
P.O. Box 1177  
Victoria, BC  
V8W 2V2

[Insert Date]

Re            [Your Name]  
               [Your Address]  
               [Your Telephone Number]  
               [Your Date of Birth]  
               [Your SIN (Social Insurance Number)]

Dear Sir or Madame:

Please be advised that I wish to appeal your decision to deny my CPP Disability Benefits application [insert date on letter & date received]. I have applied for and am waiting to receive the Disability Summary Sheet for my application. Once I receive it, I will forward information for my appeal.

Sincerely,

[Your Signature]

**B     SAMPLE LETTER REQUESTING  
A DISABILITY SUMMARY SHEET**

Regional Director  
Income Security Programs  
Human Resources Development Canada  
P.O. Box 1177  
Victoria, BC  
V8W 2V2

[Insert Date]

Re           [Your Name]  
              [Your Address]  
              [Your Telephone Number]  
              [Your Date of Birth]  
              [Your SIN (Social Insurance Number)]

Dear Sir or Madame:

I am writing to request a copy of the Disability Summary Sheet for my denied CPP Disability Benefits application. Please forward this information to the above address.

Thank you for your prompt attention to this matter.

Sincerely,

[Your Signature]

## **C SAMPLE LETTER REQUESTING A RECONSIDERATION**

Regional Director  
Income Security Programs  
Human Resources Development Canada  
P.O. Box 1177  
Victoria, BC  
V8W 2V2

[Insert Date]

Re [Your name and address (etc as in other sample letters)]

Dear Sir or Madame:

Please be advised that I wish to request a reconsideration of my CPP Disability Benefits application. The information I am sending you is additional to the preliminary letter of appeal I sent to you on [insert date]. I received your letter of denial on [insert date].

I am appealing based on the fact that I have a severe and prolonged disability and I am not able to pursue regular, gainful employment. Further information regarding my appeal will be forwarded as soon as it is available.

I am enclosing a "Personal Information Request Form" enabling you to provide me with a complete copy of my file.

*[Add information from your Disability Summary Sheet here as a guide. Make your appeal as detailed as possible. Include complete names and addresses of any doctors you have seen since your application, results of any new tests taken since you applied and copies of new medical information.]*

This letter was completed with the assistance of [insert name of person and their relationship to you].

Sincerely,

[Your Signature]

[cc to the representative (friend, advocate) named above]

**D    SAMPLE LETTER TO DOCTOR REQUESTING NEW INFORMATION**

[Your Doctor's Address]

[Insert Date]

Re            [Your Name  
              SIN  
              Canada Pension Plan-Disability Benefits]

Dear Dr: \_\_\_\_\_,

My application for the Disability Benefit from Canada Pension Plan was recently denied by Human Resources Development Canada. I am appealing this decision and require further information from you. It is my hope that you will be able to provide a medical letter that includes objective medical evidence to substantiate the severe and prolonged nature of my disability.

In order to be found eligible for the CPP Disability Benefit, I must establish that my disability is severe and prolonged. Severe means that a person is incapable of pursuing any substantially gainful occupation on a regular basis. Prolonged means that the disability will last for a long and indefinite period of time.

Based on my contributions to the Canada Pension Plan, it has to be confirmed that I had a severe and prolonged disability on or prior to December 31, \_\_\_\_\_. (Minimum Qualifying Period)

I would be most grateful if you could answer the following questions in your letter:

- 1.    Describe my medical condition(s).**

List all diagnoses and outline the history, symptoms, physical findings and test results (x-rays, lab reports) that support your diagnoses.

2. **What is the prognosis?**
3. **Please describe the types of treatment that have been tried.**  
Has there been any significant improvement with treatment?  
Are there any further treatment options available?
4. **What referrals have been made to specialists and other health professionals?**  
Are there any reports that have not yet been made available?
5. **In your opinion, was I capable of returning to any substantially gainful occupation on a regular basis by or since the date \_\_\_\_\_?**  
Please explain your answer in detail, providing as much medical support for your conclusions as possible.
6. **Please provide me with copies of any other reports which you believe may support my application for Disability Benefits from the Canada Pension Plan.**

If you agree to write this letter in support of my Disability Benefits application I will need to know in advance what fee, if any, will be charged. As you may know, I have limited resources and I will need to know the financial implications of this request.

I am available to answer any questions you may have regarding this request. I will need this letter in the very near future as I must submit all new documentation to HRDC at the earliest opportunity.

Thank you for your assistance with this matter.

Sincerely,

[Your Signature]

**E     **SAMPLE LETTER REQUESTING  
A HEARING WITH THE REVIEW TRIBUNAL****

Office of the Commissioner of Review Tribunals  
P.O. Box 8250 Station T  
Ottawa, Ontario  
K1G 5S5

[Insert Date]

Re           [Insert your personal information as in other samples]

Dear Sir or Madame:

I am writing to request a hearing with the Review Tribunal. I am appealing the decision of the Minister of Human Resources Development Canada who denied my application for Canada Pension Plan Disability Benefits at the Reconsideration stage. I received the letter of denial on [insert date]. I base this request on the fact that I have a severe and prolonged disability and I am not able to pursue regular and gainful employment. Further information regarding my appeal will be forwarded as soon as it is available.

This letter was completed with the assistance of [insert name of person and their relationship to you].

Sincerely,

[Your Signature]

[cc to the representative (friend, advocate) named above]

## **VII ADDRESSES**

### **Multiple Sclerosis Society of Canada, *BC Division***

1501-4330 Kingsway  
Burnaby, BC V5H 4G7  
Telephone (604) 689-3144  
Fax (604) 689-0377  
Toll Free 1-800-268-7582  
Email [info.bc@mssociety.ca](mailto:info.bc@mssociety.ca)  
Web [www.mssociety.ca/bc](http://www.mssociety.ca/bc)

### **Multiple Sclerosis Society of Canada, *National Office***

175 Bloor Street East, Suite 700, North Tower  
Toronto, Ontario M4W 3R8  
Telephone (416) 922-6065  
Fax (416) 922-7538  
Toll Free 1-866-922-6065  
Email [info@mssociety.ca](mailto:info@mssociety.ca)  
Web [www.mssociety.ca](http://www.mssociety.ca)

### **Multiple Sclerosis Society of Canada, *Capital Region Chapter***

1004 North Park Street  
Victoria, BC V8T 1C6  
Telephone (250) 388-6496  
Fax (250) 361-2661  
Email [info.victoria@mssociety.ca](mailto:info.victoria@mssociety.ca)  
Web [www.mssociety.ca/chapters/crc](http://www.mssociety.ca/chapters/crc)

### **Multiple Sclerosis Society of Canada, *Central Island Chapter***

PO Box 50053  
4B 1533 Estevan Road  
Nanaimo, BC V9S 5X1  
Telephone (250) 468-1757  
Fax (250) 468-1756  
Toll Free 1-888-844-2047  
Web [www.mssociety.ca/chapters/centralisland](http://www.mssociety.ca/chapters/centralisland)

**Multiple Sclerosis Society of Canada, Cowichan Valley Office of the Capital Region Chapter**

6355 Woodgrove Place  
Duncan, BC V9L 5R4  
Telephone/Fax (250) 748-0773  
Email [apmuir@shaw.ca](mailto:apmuir@shaw.ca)

**Multiple Sclerosis Society of Canada, Kamloops & Area Chapter**

180-546 St. Paul Street  
Kamloops, BC V2C 5T1  
Telephone (250) 314-0773  
Fax (250) 314-0722  
Toll Free 1-888-304-6622  
Email [info.kamloops@mssociety.ca](mailto:info.kamloops@mssociety.ca)  
Web [www.mssociety.ca/chapters/kamloops](http://www.mssociety.ca/chapters/kamloops)

**Multiple Sclerosis Society of Canada, Kelowna Chapter**

1959 Kirschner Road  
Kelowna, BC V1X 4N7  
Telephone (250) 762-5850  
Fax (250) 762-5897  
Email [info.kelowna@mssociety.ca](mailto:info.kelowna@mssociety.ca)  
Web [www.mssociety.ca/chapters/kelowna](http://www.mssociety.ca/chapters/kelowna)

**Multiple Sclerosis Society of Canada, West Kootenay Chapter**

517 Nelson Avenue  
Nelson, BC V1L 2N2  
Telephone (250) 352-3997  
Fax (250) 352-3929  
Toll Free 1-866-352-3997  
Email [lonnie.mssociety@telus.net](mailto:lonnie.mssociety@telus.net)  
Web [www.mssociety.ca/chapters/westkootenay](http://www.mssociety.ca/chapters/westkootenay)

**Multiple Sclerosis Society of Canada, North Vancouver Island Chapter**

Box 656  
Campbell River, BC V9W 6J3  
Telephone/Fax (250) 286-0999  
Toll Free 1-888-299-2025  
Email [cspe@island.net](mailto:cspe@island.net)

**Multiple Sclerosis Society of Canada, *Prince George Chapter***

105-490 Quebec Street

Prince George, BC V2L 5N5

Telephone (250) 564-7074

Fax (250) 564-7005

Email [mss5@telus.net](mailto:mss5@telus.net)

Web [www.mssociety.ca/chapters/princegeorge](http://www.mssociety.ca/chapters/princegeorge)

**Multiple Sclerosis Society of Canada, *South Okanagan Similkameen Chapter***

3373 Skaha Lake Road

Penticton, BC V2A 3G6

Telephone (250) 493-6564

Fax (250) 493-6584

Toll Free 1-888-308-1122

Email [info.penticton@mssociety.ca](mailto:info.penticton@mssociety.ca)

Web [www.mssociety.ca/chapters/sos](http://www.mssociety.ca/chapters/sos)

**BC Coalition of People With Disabilities**

***CPP Disability Advocacy Program***

204-456 West Broadway

Vancouver, BC V5Y 1R3

Telephone (604) 872-1278

Fax (604) 875-9227

Toll Free 1-800-663-1278

TTY (604) 875-8835

Email [advocacy@bccpd.bc.ca](mailto:advocacy@bccpd.bc.ca)

Web [www.bccpd.bc.ca](http://www.bccpd.bc.ca)

**Human Resources Development Canada**

Hull, Quebec K1A OJ9

Fax (819) 953-7260

Toll Free 1-800-277-9914 (English)

1-800-277- 9915 (French)

TTY 1-800-255-4786

Web [www.hrdc-drhc.gc.ca/hrdc./isp](http://www.hrdc-drhc.gc.ca/hrdc./isp)

✓ **Mailing address for your CPP application:**

**Human Resources Development Canada**

Regional Director, Income Security Programs

PO Box 1177

Victoria, BC V8W 2V2

Toll Free 1-800-277-9914 (English)

1-800-277-9915 (French)

Web [www.hrdc-drhc.gc.ca/hrdc./isp](http://www.hrdc-drhc.gc.ca/hrdc./isp)

**Legal Services Society- Legal Resource Centre**

200-1140 West Pender Street

Vancouver, BC V6E 4G1

Telephone (604) 601-6000

Fax (604) 682-0985

TDD 1-877-991-2299

Web [www.bcpl.gov.bc.ca/ell/](http://www.bcpl.gov.bc.ca/ell/)

**Law Line**

Telephone (604) 408-2172

Toll Free 1-866-577-2525 (outside Lower Mainland).

**Office of the Commissioner of Review Tribunals (OCRT)**

P.O. Box 8250 Station T

Ottawa, Ontario K1G 5S5

Toll Free 1-800-363-0076 **(have SIN card ready)**

Fax (613) 941-3348

Email [info@ocrt-bctr.gc.ca](mailto:info@ocrt-bctr.gc.ca)

***TIP: do not include your SIN with email, but do include your Appeal # from the top right hand side of all OCRT correspondence)***

Web [www.ocrt-bctr.gc.ca](http://www.ocrt-bctr.gc.ca)

**Office of the Privacy Commissioner of Canada**

112 Kent Street

Place de Ville

Tower B, 3<sup>rd</sup> Floor

Ottawa, Ontario K1A 1H3

Toll Free 1-800-282-1376

Fax (613) 947-6850

TTY (613) 992.9190

Email [info@privcom.gc.ca](mailto:info@privcom.gc.ca)

***Volunteer Legal Advocacy Program***

*MS Society of Canada, BC Division*

**Pension Appeals Board (PAB)**

P.O. Box 8567 Station T

Ottawa, Ontario K1G 3H9

Toll Free 1-888-640-8001

Fax (613) 995-6834

Email [info@pab-cap.gc.ca](mailto:info@pab-cap.gc.ca)

**POVNET**

800-1281 West Georgia Street

Vancouver, BC V6E 3J7

Telephone (604) 876-8638

Fax (604) 685-7611

Email [povnet@povnet.org](mailto:povnet@povnet.org)

Web [www.povnet.org](http://www.povnet.org)

