

What if I'm Denied CPP Disability?

After you submit your application for CPP Disability Benefits, you will receive a decision in writing, citing the reasons for either allowing or denying your application. If your application has been denied, the next step in the appeals process is to request a Reconsideration of this decision.

A Reconsideration request must be submitted within 90 days of the initial decision. Your request must explain why you disagree with the conclusions reached in the original decision, as well as provide any other available evidence that would support your claim for CPP Disability Benefits. Once your request for Reconsideration is received by Service Canada, you will often receive a final decision within 90 days.

If, after receiving your request for Reconsideration, the HRSDC maintains the decision to deny your entitlement to CPP Disability Benefits, the next step is to file a Notice of Appeal with the Office of the Commissioner of Review Tribunals (OCRT). The OCRT arranges for a hearing wherein a three-person panel hears your case, and decides the outcome of your appeals after the completion of the hearing. At the hearing, you will be expected to provide testimony regarding your disability and the reasons for your inability to work. Note that the HRSDC will send their own representative to attend the hearing in order to ensure that their position is presented as well.

At the completion of the hearing, the Panel will not advise you as to their decision on that same day. Rather, you will receive a detailed explanation of their decision in writing. If the OCRT denies your claim, the next level of appeal is before the Pension Appeals Board (PAB), and you must apply for leave to appeal. What that means is that you are not automatically granted the opportunity to appeal the Review Tribunal decision. You must apply, and provide reasons as to why the Pension Appeals Board should hear your case.

If the PAB grants you leave to appeal, then a further hearing is arranged wherein you present your case before a panel of 3 judges. Most often at these hearings, the HRSDC will have a lawyer present, as well as their own doctor to provide opinions regarding your medical condition. Again, you do not receive a decision on the same day as your hearing. It is conveyed in writing and sent to all parties.

If you receive a denial from the PAB, then you can take your case to the Federal Court of Appeal. For more information regarding your rights in the Appeals process, contact our office for a free consultation.