

entitlement is claimed relates directly to the condition in respect to which the affirmative reply was given. Your Committee concurs in the modification and so recommends.

*Recommendation 25*

The portion of this recommendation requiring the Bureau of Pensions Advocates to review files is not recommended. It is, however, recommended that the effect of the implementation of Recommendations 23 and 24 be retroactive in principle.

*Recommendation 25(a)*

That section 70 of the Pension Act be amended to incorporate the following principles in respect of applications for entitlement and on all matters under the Pension Act including assessments, degree of aggravation and retro-activation, and on appeals therefrom:

1. Onus:

When the applicant has made an application supported by credible evidence which, if uncontradicted, should entitle him to succeed, he shall have discharged his onus.

2. Inferences;

In considering the application initially, and in all subsequent stages of the proceedings, the body or person adjudicating on the application shall draw from all the circumstances of the case, the evidence adduced and medical opinions, all reasonable inferences in favour of the applicant. References to presumptions should be deleted in this context.

3. Preponderance:

When the evidence has been considered and all reasonable inferences drawn in his favour, the applicant shall be entitled to the benefit of the doubt in that his claim may be allowed even though he has not established it by a preponderance of evidence.

*Recommendation 26*

That a new section of the Pension Act be adopted to declare the intent and purposes of the Act.

*Recommendation 27*

That the following procedure for all applications be established as follows:

1. First application.
2. Second application.
3. Renewal application and further Renewal applications in the discretion of the Commission.

*Recommendation 28*

That when an applicant's case has been prepared for Entitlement Hearing he sign a Notice of Readiness.

*Recommendation 29*

That the Commission shall entertain a renewal application as a matter of right, and further renewal applications in the discretion of the Commission.