

Recommendation 15

This sets out the following procedure for Entitlement Hearings:

- (a) An applicant may proceed to an Entitlement Hearing from a first application, second application or renewal application.
- (b) On receipt of a "Request for an Entitlement Hearing", the Pension Commission staff shall prepare a statement of case setting out a citation of the pertinent legislation, Commission policy, the medical precis to include medical advisers' opinions, if any, together with a Summary of Evidence setting forth all available evidence from the departmental file relating to the claim.
- (c) A copy of the Statement of Case shall be forwarded to the applicant and those representing him, except that where the statement contains information which might be harmful to the health or well-being of an applicant, a copy be provided to his representative only.
- (d) An applicant upon reviewing the statement of case and desiring to proceed, should with the assistance of the Pensions Advocate or other representative, file a "Notice of Readiness" with the Canadian Pension Commission.
- (e) On receipt of the "Notice of Readiness" and a submission, if any, prepared by the Bureau of Pensions Advocates or by other representatives, the Chairman of the Canadian Pension Commission shall then arrange for either:
 - (i) an Entitlement Hearing before three members of the Commission; or
 - (ii) where such a hearing is not deemed practical for reasons of time, travel or inconvenience, a personal appearance by the applicant and his witnesses before a person or persons specially delegated by the Pension Commission to take evidence and hear argument, this to be known as "Examiner's Hearing". In this case the decision would be made by an Entitlement Board on the evidence, provided that the applicant's representative may appear before such Board should he so desire. An applicant may refuse an Examiner's Hearing and insist that his case be heard by an Entitlement Board as set out in (e) (i) above. In such instance the Canadian Pension Commission should not be held accountable for any delay involved.
- (f) Entitlement Hearings will be held in Ottawa and at other locations in Canada as may be practicable. At such hearings the applicant and his witnesses shall appear at public expense.
- (g) Members of the Entitlement Board should be provided, prior to the hearing, with a docket containing the Statement of Case and any written submission prepared by the Bureau of Pensions Advocates or other representative of the applicant.
- (h) All oral evidence, the Advocate's argument on his request, and the argument of an applicant who pleads his own case, should be recorded. When requested, a transcript of the proceedings will be prepared for the Entitlement Board with additional copies for the applicant and those representing him.