

- (c) Leave to reopen may be granted on the authority of one Commissioner, based on a written submission, with the proviso that if the Commissioner is in doubt he may:
- (i) arrange to hear the advocate or other representative;
 - (ii) request the Commission Chairman to submit the case for consideration by a quorum of the Commission, or
 - (iii) request the Commission Chairman to arrange for a quorum of the Commission to hear an advocate or other representative.
- (d) Leave to reopen may be refused only after a hearing by a quorum of the Commission as provided in (c) (iii) above.

Recommendation 21

That Leave to Reopen not be required in regard to applications based on presumption of physical fitness on enlistment, or on the proposed presumption with respect to Regular Force personnel.

Recommendation 22

Leave to Reopen: Appeals. The Veterans' Organizations propose that there would be no requirement for a "Leave to reopen" procedure before the proposed Pension Review Board. If new grounds or evidence exist, the application for "Leave to reopen" would be the responsibility of the Commission. When the applicant has exhausted his procedural rights before the Commission he would be entitled to have his case reviewed by the Pension Review Board. In a case which had previously been adjudicated upon by the Review Board, and no new grounds or evidence existed, the Review Board would review the case a second or subsequent time, should the applicant's representative request this action. This is believed to be in keeping with the basic concept of the Woods Committee, which was to the effect that there should be no "finality" in applications under the Pension Act."

Your Committee concurs in this proposal and so recommends.

Recommendation 23

That the Pension Act provide a presumption to the effect that the medical condition of a member of the forces be that as indicated on his documents at the date of enlistment subject to the grounds for rebuttal as provided in the recommendation.

Your Committee concurs in this Recommendation with the modification that "practitioners" referred to in (a) (iv) be defined to mean recognized medical doctors not in the employ of the Canadian Pension Commission and so recommends.

Recommendation 24

That an affirmative reply given at the time of enlistment in regard to the existence of an injury or disease be considered as a record of the condition only if the report of the medical examination confirmed that a residual disability existed. This recommendation has been modified to read that an affirmative reply to a question concerning a pre-enlistment injury or disease shall be considered a record of the injury or disease only if it is established beyond a reasonable doubt during the applicant's period of service that the condition for which entitlement is claimed relates directly to the condition for which