

CANADA PENSION PLAN DISABILITY GUIDE

A Guide to Appealing the Denial of Your Canada Pension Plan (CPP) Disability Benefits



This guide was prepared for individuals who may need assistance appealing the denial of their CPP Disability claim. The information provided herein is not meant to be a substitute for legal advice nor a substitute for information provided directly by or from Service Canada.





MK Disability Lawyers understands the unique issues you face with respect to applying for CPP Disability benefits or disputing the denial or termination of your CPP Disability claim.

Together, our senior partners have over [50 years experience](#) representing disabled clients in complex LTD benefit disputes and assisting our clients with their CPP Disability claims, reconsiderations, appeals and tribunal hearings.

MK Disability Lawyers have the experience, insight, dedication and compassion to effectively represent disabled clients in their LTD appeals, court actions and CPP Disability benefit claims.

If you need our assistance with your LTD denial/termination or if you have questions or concerns regarding your other disability claims (such as CPP Disability), we encourage you to contact us.

MK Disability Lawyers are experienced disability lawyers dedicated *exclusively* to the practice of disability insurance litigation. We would be happy to provide you and/or your client with a [free consultation](#).

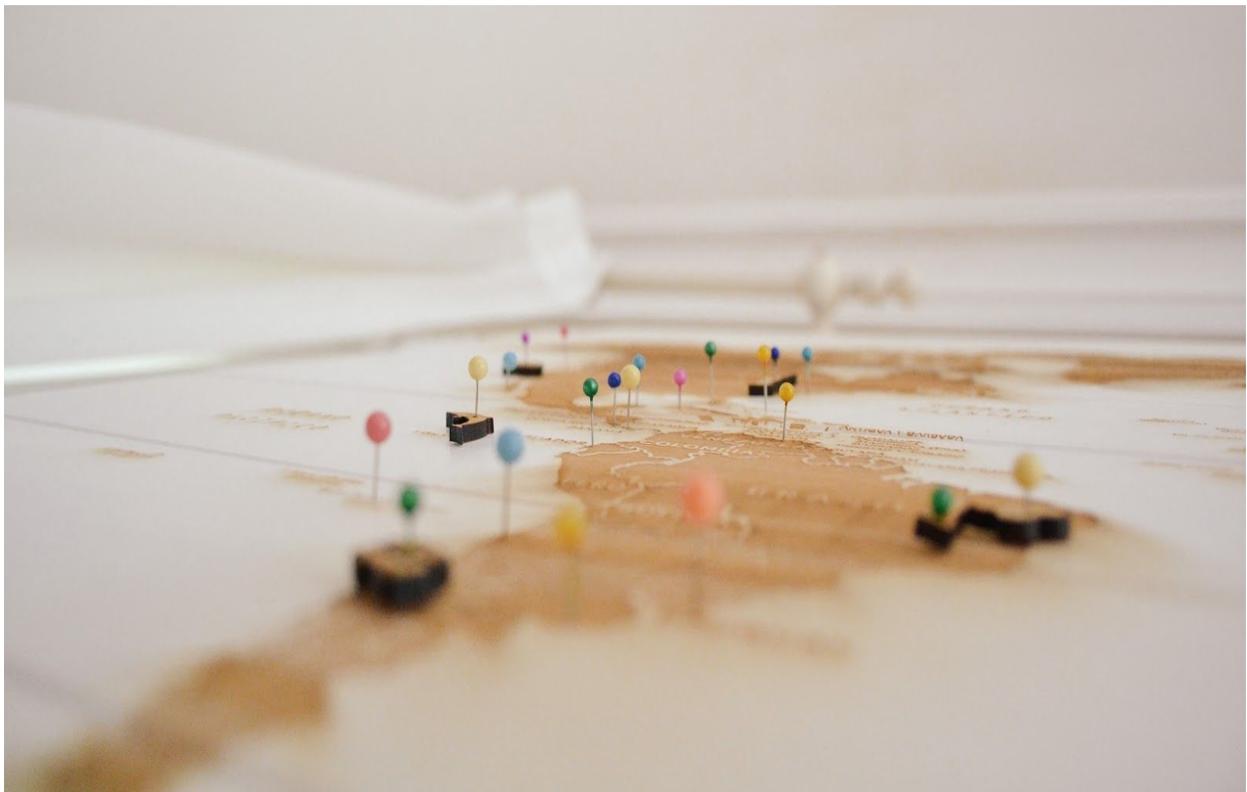
Contents

| | |
|--|----|
| What is the Purpose of this Guide? | 3 |
| What is CPP Disability (CPPD)? | 4 |
| What is the CPPD Definition of Disability and How is it Used to Deny My Claim? | 5 |
| How Was My Application Assessed? | 6 |
| What Should I do if My Benefits are Denied? | 7 |
| What if My Reconsideration is Denied? | 8 |
| Sample Letters | 9 |
| i) Letter from Treating Doctor or Specialist | |
| ii) Appeal Letter | |
| Other Resources | 11 |
| Contact Us | 12 |

What is the Purpose of this Guide?

The purpose of this guide is to provide information regarding the **appeal process** should a disabled person's claim be denied. **(If you are in the process of submitting your initial application, please see our Guide to Applying for CPP Disability.)**

This guide is not meant to replace independent legal advice. If you require legal advice in making your application or appealing the denial of your claim, it is best to consult a lawyer specializing in disability law. To schedule a free consultation with a lawyer specializing in disability law, please contact us at info@mkdisabilitylawyers.com or (647) 697-4600 or toll free (866) 965-6544.



If you would like a hardcopy of this guide, one can be sent to you by mail for a small administrative fee to cover the cost of photocopying and postage. Please make your request to info@mkdisabilitylawyers.com .

What is the Canada Pension Plan Disability Benefit (CPPD)?

CPP Disability (CPPD) is a disability benefit funded and administered by the federal government as part of the Canada Pension Plan (CPP). It provides eligible individuals and their dependent children with financial assistance should they become disabled.

To qualify for the CPPD monthly benefit, you must:

- be over 18 years of age and under 65 years of age;
- have stopped working due to a medical condition(s);
- have made the required minimum amount of contributions to CPP; and
- have a “severe and prolonged” disability, as defined in the CPP legislation.

If you do not meet the eligibility requirements, your claim will likely be denied.



What is the CPPD Definition of Disability and How is it Used to Deny My Claim?

In addition to having made sufficient contributions to CPP, you must also satisfy CPPD that your disability is one that is **both severe and prolonged**. Often insurance companies deny claims based on **insufficient contributions OR by determining that the medical condition is not severe and prolonged**.

Your medical condition may be physical or mental or a combination of both. In either case, it must be **severe**, meaning that it regularly prevents you from doing any sort of gainful employment. It must also be **prolonged**, meaning that it is long-term and will likely continue indefinitely or is likely to result in death.



CPPD adjudicators use the application package you provide to determine whether you meet the definition of disability. They will not meet with you and will rarely communicate with your treating doctors and specialists, nor will they require their own independent medical assessment. They rely on the information you provide to assess disability under the CPPD plan.

The fact that you may have qualified for other provincially funded disability benefit programs or for short- or long-term disability benefits through a private insurer, does not necessarily mean you will qualify for CPPD. Conversely, meeting the definition of disability under CPPD will not automatically entitle you to disability tax credits or other disability benefits through other provincial or private providers.

How Was My CPPD Application Assessed?

Once your complete application is received, it may have taken as long as four months for a decision to be made on your claim. During that time an adjudicator may contacted you to advise you about the process, requested additional information and updated you on the status of your claim.

The first step in the assessment of your claim was to determine whether you are eligible based on your contributions to CPP. If you made sufficient



contributions over the course of your working life, then your claim was then assessed based on whether you satisfy the CPPD definition of disability.

The next step was for medical adjudicators to review the medical information you submitted. They may have consulted with CPPD doctors and specialists in determining whether your condition is severe and prolonged. In doing so they likely considered the following factors:

- The nature of the medical condition, and whether it is progressive;
- Functional limitations imposed by the medical condition;
- Impact of treatment(s);
- Statements/opinions expressed by medical practitioners and/or other health professionals, and by you;
- Existence of multiple medical conditions;
- Personal characteristics, such as age, education and work history; and
- Work performance, productivity and earnings.

The adjudicator did not deny your claim based solely on the basis of your diagnosis/disease. Rather he/she determined whether you, based on your work history and your limitations and restrictions and prognosis, suffer from a severe and prolonged disability that prevents you from being gainfully employed.

What Should I do if My Benefits are Denied?

If your benefits have been denied you will have been advised of the decision in writing. Included in the letter will be the reason for the denial. Some reasons for being denied include:

- Insufficient contributions;
- Condition is not severe and/or prolonged;
- You have not exhausted all treatment options or you have been non-compliant with treatment; or
- Your limitations and restrictions do not prevent you from being gainfully employed on either a part-time or full-time basis.

You may request a reconsideration of CPPD denial of your claim. You have 90 days to make the request and the request must be in writing. You should include a letter detailing why you want a reconsideration and provide any new information that supports your claim. Be sure to include the date on your letter, your contact information and your SIN on the documents you submit.

When you request new medical information and reports from your treating doctors/specialists be sure to provide your doctors with a copy of the CPPD denial letter so that they may address the deficiencies in your initial application, upon which the denial was based.

A new adjudicator will review your new information you provide or that doctors provide on your behalf. CPPD may also ask you to see another doctor to assist in the assessment of your reconsideration. It may take several months for CPPD to reach a decision, at which time the decision will be sent to you in writing.



What Should I do if My Reconsideration is Denied?

The final step is to appeal to the Social Security Tribunal (SST). You have 90 days from when you receive the reconsideration decision to submit your appeal in writing.

It is not uncommon for individuals to hire legal counsel to assist them at the Tribunal stage. However, it is not required and many individuals are able to navigate the appeal process on their own or with the assistance of friends or family, without much difficulty.

There are three ways to initial your appeal:

1. Fill out the [Notice of Appeal – Income Security Form – General Division \(PDF, 954 KB\)](#). Print the completed form, sign it and [mail, email or fax it to the SST](#).
2. Print the [Notice of Appeal – Income Security Form – General Division \(PDF, 954 KB\)](#), complete and sign it and mail, email or fax it to the SST. If you cannot print the form, contact the SST and it will send you a copy with instructions.
3. If you are unable to use the [Notice of Appeal – Income Security Form – General Division \(PDF, 954 KB\)](#), you can write a letter of appeal to the SST. Be sure that you include all the information that is required on the form. Sign your letter and mail, email or fax it to the SST.



You may then provide additional information, at a later stage. Not all of your supporting documents must be submitted within the first 90 days following the reconsideration denial.

If your matter proceeds to a hearing before the SST (General Division), the hearing may be done either in writing or orally. If it proceeds in writing, you can expect to be required to answer questions in writing. If, however, the matter proceeds orally, it may be conducted by teleconference, video conference or in person in a hearing room.

If the SST denies your appeal at the General Division, you have 90 days to apply for leave to the Appeal Division of the SST. If your claim is denied at the Appeal Division, you can apply for judicial review before the Federal Court or Court of Appeal. At this stage, it would be wise to consult a lawyer to assist you and represent you.

Sample Letters

Sample Letter to your Doctor(s)

| | |
|---|-------------------------------------|
| Date | Your Name and Return Address |
| Your Dr.'s Name and Address | |
| Dear Dr. _____, | |
| RE: Request for Medical Report for Canada Pension Plan Disability | |
| <p>My application/reconsideration (choose one) for Canada Pension Plan Disability Benefits (CPPD) has been denied. I am writing to request from you a letter to support my reconsideration/appeal (choose one). If you are not able to support my claim, please let me know, as soon as possible.</p> | |
| <p>To qualify for CPPD, I must provide evidence that I have a “severe and prolonged” disability that prevents me from being gainfully employed. This means that I must demonstrate that my medical condition(s) are not likely to improve in the foreseeable future and that these conditions have prevented me from working at any job since (insert date you became disabled) and will continue to prevent me from working for the foreseeable future.</p> | |
| <p>Attached is a copy of the CPPD Decision, denying my application/reconsideration (choose one). As you will see, CPPD denied my application/reconsideration (choose one) on the basis of (describe main reason for denial as stated in Rationale of CPPD Decision).</p> | |
| <p>If you are willing to assist me in my reconsideration/appeal (choose one), kindly provide copies of any reports or records that support my claim for CPPD and a letter addressing the basis for the denial (as stated above and as detailed in the denial letter, attached) and also include the following information:</p> | |
| <ul style="list-style-type: none"> ● Symptoms and diagnosis; ● Limitations and restrictions; ● Medications and treatments and their effectiveness; ● Dates of disability; ● Prognosis; and ● Whether my medical condition(s) prevent me from being gainfully employed | |
| <p>Kindly advise if you will charge a fee for your report. I have limited resources and would appreciate it if you could provide the letter at a reduced rate.</p> | |

Please also let me know if you would like to send your letter and records directly to CPPD or if you would prefer I picked them up and sent them to CPPD, myself.

Thank you for your assistance with this matter.

Yours truly,

Your Name / Signature

Enclosure: CPPD Decision

Sample Cover Letter from You to CPPD

Date

Your Name and Return Address

Dear Sir/Madam,

RE: ***Application/Reconsideration/Appeal (choose one)*** for CPP-Disability

I am writing in support of my ***application/reconsideration/appeal (choose one)*** for Canada Pension Plan Disability Benefits.

I understand that in order to qualify for CPPD, I must provide evidence that I have a “severe and prolonged” disability that prevents me from being gainfully employed for the foreseeable future.

My doctors and I believe that I meet the CPPD definition of disability and I am entitled to the benefit. In support, please find enclosed the following:

- ***List of all documents enclosed, including application forms, reports and records in support of application/appeal/reconsideration***

Yours truly,

Your Name / Signature

Enclosures

Resources

MK Disability Lawyers LLP

Law firm focusing on Long-Term Disability Litigation and authors of this guide.

Website: www.mkdisabilitylawyers.com

Email: info@mkdisabilitylawyers.com

CPP Disability

Federally funded disability benefit for eligible workers with severe and prolonged disability.

Website: <https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-disability-benefit.html>

Phone: 1-800-277-9914

Service Canada - Application for CPPD Benefits

Federal service provider for applications for social assistance and disability benefits.

Website: <http://www.servicecanada.gc.ca/fi-if/index.jsp?app=prfl&frm=isp1151>

Service Canada - Find a Service Canada Office

Federal service provider for applications for social assistance and disability benefits.

Website: <http://www.servicecanada.gc.ca/tb-sc-fsco/sc-hme.jsp?lang=eng>

Canada Benefits - Benefits Finder - to obtain a customized list of federal and provincial benefits for which you may be eligible

Resource for determining which benefits to apply for based on potential eligibility.

Website: <http://www.canadabenefits.gc.ca/f.1.2c.6.3z.1rdq.5.2st.3.4ns@.jsp?lang=en>

Canada Revenue Agency (Tax Credits and Deductions for Persons with Disabilities)

Information on tax deductions and savings plans for people not working due to disability.

Website: <http://www.cra-arc.gc.ca/tx/ndvdl/sqmnts/dsblts/menu-eng.html>

Legal Aid

List of neighbourhood legal aid clinics and specialty clinics providing legal support.

Website: <http://www.justice.gc.ca/eng/fund-fina/gov-gouv/aid-aide.html>

Contact Us

MK Disability Lawyers is an experienced boutique disability insurance law firm focused on complex long-term disability insurance litigation. Between the three partners, we have over 50 years experience litigating disability insurance claims. We also have extensive experience litigating individual LTD, life insurance and critical illness claims and we have represented our disabled members at CPP Disability Tribunal hearings and in actions in their motor vehicle and personal injury cases. We appreciate that you have serious physical and cognitive limitations and restrictions and strive to accommodate them throughout the litigation and in the service we provide.

As part of our commitment to assisting and empowering disabled individuals, we offer **free, confidential consultations** by telephone, in-person or by video conferencing. Although our practice is located in the **Toronto and Markham areas, we represent members throughout the province**. Please feel free to contact us directly by email or telephone if you need our assistance or if you have any questions about CPP Disability or another type of disability insurance claim.

Please see our website for more information: www.mkdisabilitylawyers.com.

