



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *P. C. v Minister of Employment and Social Development*, 2018 SST 1309

Tribunal File Number: AD-18-832

BETWEEN:

P. C.

Appellant

and

Minister of Employment and Social Development

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

DECISION BY: Valerie Hazlett Parker

DATE OF DECISION: December 28, 2018

DECISION AND REASONS

DECISION

[1] The appeal is dismissed.

OVERVIEW

P. C. (Claimant) and the deceased married in 1971. The deceased passed away in October 2017. The Claimant applied for a Canada Pension Plan (CPP) death benefit and survivor's pension. The Minister of Employment and Social Development refused the applications. The Claimant appealed these decisions to this Tribunal. The Tribunal's General Division summarily dismissed the appeal because the deceased did not make sufficient contributions to the CPP for the claimed benefit and pension to be paid. The Claimant's appeal to the Tribunal's Appeal Division is dismissed because the General Division did not make any error when it made its decision.

PRELIMINARY MATTERS

[2] This appeal was decided on the basis of the documents filed with the Tribunal after considering the following:

- The legal issue to be decided is straightforward;
- The parties' positions on the issues are clear;
- The Claimant declined to participate in a pre-hearing conference and asked that the Appeal Division render its decision; and
- The *Social Security Tribunal Regulations* require that proceedings be concluded as quickly as the considerations of fairness and natural justice permit.

ISSUE

[3] Did the General Division make an error in law when it failed to blend the Claimant's and the deceased's contributions to find the Claimant eligible for the death benefit and survivor's pension?

ANALYSIS

[4] The *Department of Employment and Social Development Act* (DESD Act) governs the Tribunal's operation. It provides only three narrow grounds of appeal that the Appeal Division can consider. They are that the General Division failed to observe a principle of natural justice or made a jurisdictional error, made an error in law, or based its decision on an erroneous finding of fact made in a perverse or capricious manner or without regard for the material before it.¹ The Claimant's argument must be considered in this context.

[5] The *Canada Pension Plan* states that a deceased person must have made contributions to the CPP for at least 10 years for the death benefit and survivor's pension to be paid.² This is correctly set out in the General Division decision.³ The deceased made contributions for nine years.⁴ Therefore, the deceased did not meet the requirements for this benefit and pension to be paid on her death.

[6] The CPP does not allow for transferring contributions from one spouse to another or for the blending of contributions between spouses. Therefore, the General Division made no error in law when it failed to consider this. The General Division did not make any other error in law.

[7] I have reviewed the General Division decision and the written record. The General Division did not overlook or misconstrue any important facts. There is no indication that it failed to observe any of the principles of natural justice.

[8] Therefore, the General Division did not make any errors under the DESD Act, and the appeal must fail.

¹ DESD Act, s 58(1)

² *Canada Pension Plan*, s 44(3)

³ General Division decision at para 10

⁴ GD2-20

CONCLUSION

[9] The appeal is dismissed.

Valerie Hazlett Parker
Member, Appeal Division

METHOD OF PROCEEDING:	On the record
SUBMISSIONS:	P. C., Appellant