



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *G. B. v Minister of Employment and Social Development and K. B.*, 2020 SST 809

Tribunal File Number: GP-20-423

BETWEEN:

**G. B.**

Claimant

and

**Minister of Employment and Social Development**

Respondent

and

**K. B.**

Added Party

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**General Division – Income Security Section**

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DECISION BY: Adam Picotte

DATE OF DECISION: June 22, 2020

## REASONS AND DECISION

### OVERVIEW

[1] The Claimant applied for a *Canada Pension Plan* Credit Split. The Respondent allowed the application but because it resulted in a reduction of the Added Party's CPP benefit, the Claimant requested that it be reconsidered and thereby cancelled. The Respondent denied this upon reconsideration. The Claimant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on March 2, 2020.

[2] This appeal involves a division of unadjusted pensionable earnings, commonly referred to as a DUPE or credit split. A credit split must happen (is mandatory) when either spouse makes an application that the Minister approves. Applying the credit split requires that the unadjusted pensionable earnings for each person be added together, divided equally, and then attributed equally to each person. After the Minister applies the credit split, the Minister uses the adjusted record of earnings for each person to calculate the amount of the retirement pension for each person.<sup>1</sup>

[3] Subsection 53(1) of the *Department of Employment and Social Development Act* (DESD Act) states that the General Division must summarily dismiss an appeal if satisfied that it has no reasonable chance of success (*Miter v. Canada (A.G.)*, 2017 FC 262).

[4] The Tribunal has decided that this appeal has no reasonable chance of success for the reasons set out below.

### ANALYSIS

[5] On December 21, 2018, the Claimant submitted an application for a CPP credit split.

[6] The credit split resulted in a reduction of benefits for the added party from \$721.44 monthly to \$651.28 monthly.<sup>2</sup> The credit split resulted in an increase of benefit for the Claimant from \$947.25 monthly to \$952.77<sup>3</sup>

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<sup>1</sup> *Canada Pension Plan*, s 55.1(1)(a).

<sup>2</sup> GD2-20

<sup>3</sup> GD2-18

[7] The credit split provisions have very limited exceptions for when a divorce occurs. The two exceptions are when there was a written agreement at the time of divorce setting out that a credit split would not take place and when both spouses have a resulting reduction of benefits.<sup>4</sup>

[8] I wrote to the Claimant and the Added Party asking whether there was a written agreement setting out their intentions at the time of divorce. However, they did not provide a response setting out that was the case.

[9] The other exception is not present here as the Claimant received an increase to her benefit as a result of the credit split.

[10] In these circumstances, there is a clear misfortune as between the Claimant and the added party there is an overall loss of benefits. While the Claimant may be in receipt of an increase of approximately \$5.00 a month, the added party has lost approximately \$70.00 a month. While this is the case, I have no authority to cancel this credit split nor will the Claimant have any possibility of success in pursuing this appeal.

[11] Accordingly, the Tribunal finds that the appeal has no reasonable chance of success.

## **CONCLUSION**

[12] The appeal is summarily dismissed.

Adam Picotte  
Member, General Division - Income Security

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<sup>4</sup> Section 55.1(5)