



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *The Estate of RL v Minister of Employment and Social Development*, 2020 SST 837

Tribunal File Number: GP-20-427

BETWEEN:

The Estate of R. L.

Appellant (Claimant)

and

Minister of Employment and Social Development

Minister

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

Decision by: Adam Picotte

Estate represented by: Executor K. L.

Teleconference hearing on: August 6, 2020

Date of decision: August 7, 2020

DECISION

[1] The Claimant is not entitled to a longer period of retroactivity for a Canada Pension Plan (CPP) disabled contributor`s child benefit.

OVERVIEW

[2] On October 31, 2018, R. L. passed away from cancer. He had been a caring and nurturing grandparent to his granddaughter N. L.. In December 2010, he and his wife K. L. were granted a court order custody of N. L.. They raised her as their own, provided for her, and cared for her.

[3] Upon R. L. passing away, K. L. learned of entitlement to CPP benefits for N. L. because R. L. was a recipient of CPP disability benefits. She applied for both a disabled contributor`s child benefit and an orphan benefit. She was granted both with the child benefit being paid effective June 2018 to October 2018, the month of R. L. `s death. At that time, the disabled contributor`s child benefit ceased and the orphan`s benefit started. K. L. requested a reconsideration of the Minister`s decision because she and R. L. had custody of N. L. since January 2010 and court ordered custody since December 2010.

[4] The Minister received the Claimant`s request for a reconsideration and on January 29, 2020, denied the request. K. L. appealed the reconsideration decision to the Social Security Tribunal.

ISSUE(S)

The sole issue on appeal is whether there is a longer period of retroactive entitlement allowed for the disabled contributor`s child benefit.

ANALYSIS

[5] Entitlement to a disabled contributor`s child benefit is set out at section 74 of the Canada Pension Plan. That section says a benefit is payable in the month starting when a disability pension becomes payable.

[6] However, section 74 also says that in no case can a benefit be paid earlier than 12 months before the month the application was received by the Minister. This means that N. L. cannot obtain a benefit for longer than 12 months retroactive from the date of application.

[7] In this case, N. L.'s application was dated May 27, 2019 and she was paid effective June 2018 to October 2018, the month R. L. passed away. At that time, she started to receive the orphan's benefit.

[8] There was no error made by the Minister in the application of the disabled contributor's child benefit. Unfortunately, N. L. cannot be entitled to a longer period of retroactivity because the CPP does not allow for it.

[9] I know this is unsatisfying for K. L. and N. L.. If there were a basis that would have allowed me to provide them with a longer period of retroactivity, I would have done so.

CONCLUSION

[10] The appeal is dismissed.

Adam Picotte
Member, General Division - Income Security