



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *LL v Minister of Employment and Social Development*, 2020 SST 1141

Tribunal File Number: GP-20-963

BETWEEN:

L. L.

Appellant

and

Minister of Employment and Social Development

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

DECISION BY: Adam Picotte

DATE OF DECISION: November 6, 2020

REASONS AND DECISION

OVERVIEW

[1] The Appellant's disability benefit converted to a retirement pension in March 2020. The Appellant thought she was entitled to a greater pension amount and requested a reconsideration of the conversion decision. The Respondent denied the request upon reconsideration. The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on June 25, 2020.

[2] This appeal involves a determination of whether the Appellant is entitled to a greater amount of monthly payments for her retirement pension.

[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.

EVIDENCE

[5] The Appellant's pensionable earnings are set out in her reconsideration file.¹

SUBMISSIONS

[6] The Appellant was given notice in writing of the intent to summarily dismiss the appeal and was allowed a reasonable period of time to make submissions as required by Section 22 of the *Social Security Tribunal Regulations* (Regulations). She submitted that she thought there should be a carry over amount of additional amounts when her disability benefit transitioned over to a retirement pension. It is understandable that she thought this may be the case as individuals in receipt of a disability benefit are provided with an enhancement to their benefit.²

¹ GD2-13-14

² GD5-2

[7] The Respondent submitted that it appropriately calculated the Appellant's entitled in accordance with CPP and that her pension entitlement was 246.62 payable each month.³

ANALYSIS

[8] The Tribunal is created by legislation and, as such, it has only the powers granted to it by its governing statute. The Tribunal is required to interpret and apply the provisions as they are set out in the CPP.

[9] The Tribunal finds that the Appellant's pension was calculated appropriately. Her benefit was calculated on the basis of \$293,213 divided by a total of 354 months and then multiplied by 25%. This was done in accordance with the CPP.⁴

[10] The result of the calculation is a monthly payment of \$207.07. When the payment was provided with an enhancement of a pension index factor the result was a total monthly payment of \$246.62.⁵ This is the amount the Appellant is now in receipt of on a monthly basis.

[11] As a result, I have determined the Appellant has no reasonable chance of success.

CONCLUSION

[12] The appeal is summarily dismissed.

Adam Picotte
Member, General Division - Income Security

³ GD4-2

⁴ See Section 46(1) of the CPP

⁵ See Section 48 of the CPP