



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *Minister of Employment and Social Development v MM*, 2021 SST 65

Tribunal File Number: AD-21-21

BETWEEN:

**Minister of Employment and Social Development**

Appellant (Minister)

and

**M. M.**

Respondent (Claimant)

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division**

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Decision by: Jude Samson

Date of Decision: February 11, 2021

## DECISION AND REASONS

### DECISION

[1] Based on an agreement between the parties, I am granting the Minister's application for permission (leave) to appeal and allowing the Minister's appeal. I am also making a small change to the General Division decision.

### AGREEMENT

[2] The Minister paid a disability pension to the Claimant, M. M. When the Claimant turned 65 years old, the Minister converted her disability pension into a retirement pension. However, her retirement pension was quite a bit lower than her disability pension.

[3] The Claimant appealed the amount of her retirement pension to the Tribunal's General Division.

[4] The *Canada Pension Plan* (CPP) describes how a person's contributory period affects the amount of their retirement pension. As a result, the General Division re-examined the Claimant's contributory period.

[5] In the end, the General Division ordered the Minister to remove four additional months from the Claimant's contributory period: June 2012 and three months in 1995. This increased the Claimant's retirement pension by about \$25/month.

[6] The Minister now wants to appeal the General Division decision to the Tribunal's Appeal Division. It argues that the General Division should not have removed June 2012 from the Claimant's contributory period.

[7] I invited the parties to a settlement conference for an informal discussion about the case. During the settlement conference, the parties agreed that I should:

- a) find that the General Division misinterpreted section 49(c) of the CPP when it removed June 2012 from the Claimant's contributory period;<sup>1</sup>
- b) give the Minister permission to appeal and allow its appeal; and
- c) confirm the General Division decision, except that it should not have removed June 2012 from the Claimant's contributory period.

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<sup>1</sup> The Minister bases its arguments mainly on sections 44(2)(b) and 56(5) of the CPP.

**CONCLUSION**

[8] Based on the information available to me, I am giving the Minister permission to appeal. I am also allowing its appeal in line with the agreement reached by the parties at the February 11, 2021, settlement conference.

[9] At the settlement conference, the Minister's representative reassured the Claimant that this decision would have very little impact on her monthly retirement pension.

Jude Samson  
Member, Appeal Division

REPRESENTATIVES:	S. Frounchi, counsel for the Appellant M. M., self-represented
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