



Citation: *AN v Minister of Employment and Social Development*, 2021 SST 833

**Social Security Tribunal of Canada
General Division – Income Security Section**

Decision

Appellant: A. N.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated March 19, 2020 (issued by
Service Canada)

Tribunal member: Antoinette Cardillo

Type of hearing: Questions and answers

Decision date: November 3, 2021

File number: GP-21-390

Decision

[1] The appeal is dismissed.

[2] The Claimant, A. N., is not entitled to a greater amount of her retirement pension payable under the Canada Pension Plan (CPP). This decision explains why I am dismissing the appeal.

Overview

[3] The Claimant turned 65 years old in February 2019. She was received a disability pension under the CPP which was converted to a retirement pension the month after her 65 birthday¹. The Claimant says that not all of her earnings were used to calculate her monthly CPP retirement pension and that there were errors².

[4] The Minister says that the Claimant's retirement pension was calculated in accordance with the statutory requirements of the CPP and is not subject to any form of Ministerial discretion that would raise the amount of her pension.

Matters I have to consider first

[5] I decided to proceed by way of questions and answers because the Claimant did not specify a preferred method of hearing and also because she said that she do not want a hearing to be scheduled. On September 2, 2021, in a telephone conversation with the Tribunal, she stated that she was not available in September and that she did not wish to provide alternative dates to have a hearing.

Reasons for my decision

[6] The Claimant started receiving a CPP disability pension in December 1998.

¹ Subsection 70(2) of the CPP

² GD3 and GD4

[7] She turned 65 years old in February 2019. As provided in the CPP³, her disability pension ceased to be payable and the benefit was converted to a retirement pension the month after her 65 birthday⁴.

[8] The Claimant send many letters requesting an explanation as to why her disability benefit payment was reduced⁵.

[9] On March 20⁶ and 27⁷, 2019, letters were sent to the Claimant by the Minister explaining why her disability benefit payments ceased at age 65, how the disability benefit was converted to a retirement pension, and how the retirement pension was calculated.

[10] The Claimant continued to send many letters in 2019⁸ disputing the retirement pension amount.

[11] On April 24, 2019⁹, a letter was sent to the Claimant with a table of her pensionable earnings from 1975 to 1988 and she was asked to submit documents to support the earnings missing from the calculation of her retirement pension.

[12] On June 14, 2019¹⁰, a letter was sent to the Claimant explaining that she can not receive a retirement and disability pension at the same time. Her monthly entitlement for her retirement was \$617.92, which started on March 2019. She had sent correspondence that stated that she was not satisfied with the amount of retirement pension. She was asked to provide T4 tax slips for any years on contributions that she had a concern and that she could ask for a reconsideration within 90 days of receiving the letter.

³ Paragraph 70(1)(c) of the CPP

⁴ Subsection 70(2) of the CPP

⁵ GD2

⁶ GD2-412

⁷ GD2-404

⁸ GD2

⁹ GD2-369

¹⁰ GD6-4

[13] The Claimant sent more letters alleging that all of her employment earnings were not used to calculate her CPP retirement pension. She submitted statements of CPP benefits for 2018¹¹ and 2019¹² and statements of the Old Age Security for 2019 and statements of social assistance payments for 2018¹³. She also provided information on the years she worked¹⁴ and a letter from her employer stating that she was an employee from October 1978 to December 1988¹⁵.

[14] On August 15, 2019¹⁶, another letter was sent to the Claimant explaining why payment of her disability benefit ceased and a retirement pension began to be paid to her. The letter provided her with an explanation of how the retirement pension was calculated based on her pensionable earnings from 1975 to 1988 of contributions.

[15] The Minister submitted that the Claimant's file under reconsideration was reviewed and it was verified¹⁷:

- that she had CPP contributions in the years between 1975 and 1988;
- that she was paid a CPP disability pension between December 1998 and February 2019;
- that she was subject to credit splitting for the years 1984 to 1988; and
- that a child rearing provision was applied from February 1986 to January of 1993.

[16] On March 19, 2020¹⁸, the Minister advised the Claimant that after reviewing her file with the additional information that outlined her position, it was determined that all relevant provisions and all established pensionable earnings attributed to the Claimant were used to calculate her monthly pension entitlement and that she was not entitled to a greater amount for a retirement pension payable under the CPP.

¹¹ GD5-11

¹² GD5-3

¹³ GD5-13

¹⁴ GD2-396 to 403

¹⁵ GD2-443

¹⁶ GD2-256

¹⁷ GD32-4

¹⁸ GD2-84

[17] The Claimant appealed the Minister's reconsideration decision to the Tribunal on January 25, 2021.

[18] As stated previously, I decided to proceed by way of questions and answers to obtain clarifications¹⁹. The following questions were sent to the Claimant on October 1st, 2021 with a deadline to respond by October 25, 2021:

Questions:

- 1) Provide documents to establish that you have additional pensionable earnings that should be attributed to your current Record of Earnings; and*
- 2) Provide evidence of the error in the calculation of your CPP retirement pension.*

[19] The Claimant submitted several letters in response to the Questions and Answers²⁰. However, the Claimant did not provide any information on additional pensionable earnings that should have been used or that were missing from her record of earnings. She also did not provide any evidence or explanation of the error in calculation of her CPP retirement pension.

[20] I have reviewed all the evidence submitted by the Claimant, including her employment history, her record of pensionable earnings and her statements of pension benefits. Based on the evidence²¹, I cannot make a determination that there are pensionable earnings that were not used to calculate the Claimant's CPP retirement pension and I also cannot find there that are errors in the calculation of the Claimant's CPP retirement pension.

¹⁹ GD0 – October 1st, 2021

²⁰ GD61-62-63 and 64

²¹ GD2 to 64

Conclusion

[21] I find that the Claimant is not entitled to a greater amount of her retirement pension payable under the CPP. This means the appeal is dismissed.

Antoinette Cardillo
Member, General Division – Income Security Section