



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *DH v Minister of Employment and Social Development*, 2021 SST 983

Tribunal File Number: GP-21-1702

BETWEEN:

D. H.

Appellant

and

Minister of Employment and Social Development

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

DECISION BY: Jackie Laidlaw

DATE OF DECISION: December 28, 2021

REASONS AND DECISION

OVERVIEW

[1] The Appellant is in receipt of CPP retirement and survivor's benefits. The Appellant appealed the amount of the benefit. The Minister denied the request upon reconsideration. The Appellant appealed the decision to the Social Security Tribunal (Tribunal) on August 4, 2021.

[2] This appeal involves if there is a reasonable chance of success for the appeal.

[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 Minister has provided the calculations used to determine the Appellant's Survivor's and Retirement benefits.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).

[7] The Appellant submitted that she cannot exist on the reduced amount.

[8] The Respondent submitted that the calculations were made according to the legislation.²

¹ GD 3

² Subsection 58(2) of the CPP

ANALYSIS

[9] The Tribunal sympathizes with the Appellant that she requires more income to make ends meet. Unfortunately, that is not relevant to the calculation of her benefits.

[10] The Tribunal finds the calculations were made according to the legislation.

[11] 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.

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

[13] As there is no reasonable chance of success, the appeal must be summarily dismissed.

CONCLUSION

[14] The appeal is summarily dismissed.

Jackie Laidlaw
Member, General Division - Income Security