



Citation: *MW v Minister of Employment and Social Development*, 2023 SST 1314

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

## Decision

**Appellant:** M. W.  
**Representative:** A. W.

**Respondent:** Minister of Employment and Social Development

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated February 16, 2023 (issued  
by Service Canada)

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**Tribunal member:** Antoinette Cardillo

**Type of hearing:** Videoconference

**Hearing date:** July 6, 2023

**Hearing participants:** Appellant  
Appellant's representative

**Decision date:** July 28, 2023

**File number:** GP-23-579

## Decision

[1] The appeal is dismissed.

[2] The Appellant, M. W., isn't eligible to a change of the monthly entitlement amount of her combined Canada Pension Plan (CPP) survivor's and retirement pension. This decision explains why I am dismissing the appeal.

## Overview

[3] The Appellant's applied for the CPP Survivor's pension on April 13, 2022.<sup>1</sup> The Appellant had previously applied for the CPP Retirement pension on July 21, 2010. On July 25, 2022, the Appellant's survivor's pension was approved, and she was informed that when someone is in receipt of a retirement pension as well as a survivor's pension, both pensions are combined into one monthly payment. The amount is based on a specific calculation and cannot exceed a maximum which is set each year.<sup>2</sup> Following the approval of these benefits, she requested a change of her monthly entitlement amount for the combined benefits.<sup>3</sup>

[4] The Minister denied her request at initial determination and upon reconsideration. The Minister said that the Appellant was receiving the correct monthly benefit amount based upon the calculations outlined in the *Canada Pension Plan Act* and the *Canada Pension Plan Regulations*.

[5] The Appellant appealed the Minister's reconsideration decision to the Tribunal.

## Issue

[6] I have to decide whether the Appellant is entitled to a change to her monthly entitlement amount of her combined CPP survivor's and retirement pension.

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<sup>1</sup> See application at GD2-9.

<sup>2</sup> See letter at GD2-22.

<sup>3</sup> See Appellant's letter at GD2-25.

## Reasons for my decision

[7] The Minister said that the Appellant's combined CPP retirement and survivor's pension amount was \$1,071.44 a month in 2022. The Minister's calculations were explained in detail in the reconsideration decision letter dated February 16, 2023.<sup>4</sup>

[8] The Appellant did not agree and said that her monthly pension should be \$1,253.59. She stated that from what she understood, the survivor's pension was 60% of the calculated retirement pension of the deceased contributor (her late husband was receiving a CPP pension of \$1114.62 as of April 2022 - the month he passed away) for a benefit payable of \$668.77. This amount was then added to her own calculated retirement pension (which was \$968.09) and then the total amount of \$1636.86 was reduced by 36% since she took her retirement pension at age 60 for a total of \$1047.60. She added that since she took her retirement pension at age 60, a special adjustment should have been applied to offset the actuarial adjustment that was done to her pension calculation. Her husband worked his entire life and certainly contributed enough (along with her working years - she also spent time at home to care for her two sons between 1980 & 1989) for her to receive the maximum payment.

[9] At the hearing, the Appellant and her Representative expressed the same position. They did not however state that there was an error in the calculations made by the Minister.

[10] I explained that I did not have the jurisdiction to make the changes they requested. The Appellant and her Representative understood and asked that I render a decision.

[11] The CPP provides for the calculation of the amount of the combined survivor's and retirement pension.<sup>5</sup> The Minister's calculations were explained in detail in the

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<sup>4</sup> See detailed calculation at GD1-9 to 13.

<sup>5</sup> See subsection 58(2) of the CPP.

reconsideration decision letter dated February 16, 2023, and in their submissions to the Tribunal dated May 25, 2023.<sup>6</sup>

[12] The Appellant has not provided evidence of any errors in the Minister's calculations of the combined benefits. As stated, I do not have jurisdiction to make the changes requested by the Appellant. Therefore, I find that the Appellant is in receipt of the maximum amount of the combined CPP survivor and retirement pension payable under the CPP.

## **Conclusion**

[13] I find that the Appellant isn't eligible for a change of the monthly entitlement amount of her combined CPP survivor's and retirement pension.

[14] This means the appeal is dismissed.

Antoinette Cardillo  
Member, General Division – Income Security Section

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<sup>6</sup> See reconsideration letter at GD1-9 and submissions at GD4.