



Citation: *ZB v Minister of Employment and Social Development*, 2024 SST 1523

Social Security Tribunal of Canada General Division – Income Security Section

Decision

Appellant: Z. B.

Respondent: Minister of Employment and Social Development
Respondent's representative Sandra Brissett

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated October 26, 2023 (issued
by Service Canada)

Tribunal member: Carol Wilton

Type of hearing: Teleconference

Hearing date: April 29, 2024

Hearing participants: Appellant
Minister
Interpreter (Sri Lankan)

Decision date: April 30, 2024

File number: GP-23-2072

Decision

[1] The appeal is dismissed.

[2] The Appellant, Z. B., isn't eligible for a *Canada Pension Plan* (CPP) death benefit or for a CPP survivor's pension. This decision explains why I am dismissing the appeal.

Overview

[3] In September 1988, the Appellant married M. H. (the deceased).¹ He unfortunately died in February 2023.² In May 2023, the Appellant applied for a CPP death benefit and a CPP survivor's pension³ (the benefits). The Minister refused her applications. The Appellant appealed the Minister's decision to the Social Security Tribunal's General Division (Tribunal).

[4] The Minister stated that the Appellant was not entitled to either of the benefits. For the survivor of a contributor to be entitled, the contributor needs ten years of valid contributions to the CPP. The deceased had only nine years of valid contributions.

[5] The Appellant stated that the deceased had ten years of contributions to the CPP. In addition, she stated that she had medical and financial issues. She asked the Tribunal to take these into consideration in arriving at its decision.

Matters I must decide first

[6] The Appellant provided more than one version of her first name in the materials before the Tribunal. At the hearing, I asked how she wanted her first name to be spelled. She was unable to make her answer understood.

[7] The Minister's representative stated that Service Canada had the same problem regarding the Appellant's first name. She advised that it was probably best to use the name Z. I have followed her advice.

¹ GD2-27

² GD2-24

³ GD2-13,24

What I have to decide

[8] I have to decide whether the deceased made enough contributions to the CPP for the Appellant to be eligible for the benefits.

Reasons for my decision

[9] I find that the deceased had only nine years of contributions to the CPP. This means that the Appellant is not entitled to either of the benefits.

[10] Here are my reasons.

The deceased didn't contribute enough to the CPP

[11] The CPP says that, to be eligible for the benefits, a contributor must have made valid contributions to the CPP for at least ten years.⁴

[12] The deceased's Statement of Contributions shows that he made valid contributions to the CPP from 1994 to 2002 inclusive.⁵ This is a period of nine years.

[13] The Appellant relied on a December 2002 Statement of Contributions to submit that the Appellant also had contributions in 1993.⁶

[14] The Minister's representative stated that in 1993, the deceased had earnings of \$1,281. The minimum earnings necessary to make a valid contribution to the CPP in 1993 was \$3,300. Therefore, in 1993, the deceased's earnings were below the level that would have allowed him to make valid contributions to the CPP. He had only nine years of valid contributions.

[15] The Appellant stated that her husband had told her that she would get a pension after his death. However, he was mistaken. If he had any questions about this matter, he could have contacted Service Canada. There is no record that he did so.

⁴ For a fuller explanation, see subsection 44(3), paragraphs 44(1)(c) and 44(1)(d), and section 49 of the CPP and the Minister's submissions at GD3.

⁵ GD2-6

⁶ GD1-12

[16] The Appellant asked the Minister's representative whether there was any CPP benefit to which she might be entitled. The answer was unfortunately no. The Appellant never worked in Canada. She might want to try the government of her home country to see whether it offered similar benefits to the CPP.

I have to follow the law

[17] I understand that the Appellant has medical and financial issues. But I have to follow the law. This means I can't make a decision because I want to help her in difficult circumstances. I can't ignore the contribution requirements for the CPP death benefit and survivor's pension.

Conclusion

[18] I find that the deceased didn't make enough CPP contributions for the Appellant to be eligible for the benefits.

[19] This means the appeal is dismissed.

Carol Wilton

Member, General Division – Income Security Section