



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *SM v Minister of Employment and Social Development*, 2022 SST 1289
Tribunal File Number: GP-21-2435

BETWEEN:

S. M.

Appellant

and

Minister of Employment and Social Development

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

DECISION BY: Connie Dyck

DATE OF DECISION: February 2, 2022

REASONS AND DECISION

OVERVIEW

[1] The Appellant applied for a *Canada Pension Plan* (CPP) death benefit, survivor's benefit and children's benefits.¹ The Respondent denied the application initially and upon reconsideration. The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on November 26, 2021.

[2] This appeal involves whether J. S. (the deceased contributor) had sufficient contributions to the CPP to be eligible for these benefits. I will refer to the deceased contributor as JS in the rest of the decision.

[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] JS passed away on April 28, 2021. She was born on July 5, 1927.²

[6] She had valid year of earnings in 1970, 1971, 1972, 1973, 1975 and 1976.³

SUBMISSIONS

[7] 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). His submissions were received on January 27, 2022.⁴

¹ These applications are at GD 2-49 and GD 2-56.

² This information is at GD 2-61.

³ The Record of Earnings is at GD 2-9.

⁴ The Appellant's submissions are at GD 7.

ANALYSIS

[8] For the CPP death benefit, survivor's benefit or children's benefits to be payable, JS must have made at least the minimum amount of contributions required, which is 1/3 of the total number of years within the contributory period.

[9] The contributory period of JS is 21 years and 7 months from January 1966 (the month the CPP plan started) to July 1987, (the month she started to receive a CPP retirement pension). The period between January 1966 and July 1987 is 22 calendar years.

[10] Although 1/3 of 22 years is 7.3 years, the CPP does not deal in partial years, so 7.3 years is rounded up to 8 years. To be eligible for the benefits, JS would need 8 years of valid contributions.

[11] But, JS did not have 8 years of valid contributions. She had valid contributions in only 6 years (1970, 1971, 1972, 1973, 1975 and 1976).

[12] This means she did not meet the minimum contributory requirement to be eligible for the CPP death benefit, survivor's benefit or any children's benefits.

[13] 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.

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

CONCLUSION

[15] The appeal is summarily dismissed.

Connie Dyck
Member, General Division - Income Security