



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *R. M. v. Minister of Employment and Social Development*, 2016 SSTADIS 251

Tribunal File Number: AD-16-214

BETWEEN:

R. M.

Appellant

and

Minister of Employment and Social Development

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

DECISION BY: Neil Nawaz

DATE OF DECISION: July 13, 2016

REASONS AND DECISION

[1] The Appellant applied for a *Canada Pension Plan* (CPP) disability pension on April 2, 2013. The Respondent denied the application initially and upon reconsideration, and the Appellant appealed the reconsideration decision to the General Division (GD) of the Social Security Tribunal (Tribunal).

[2] In a decision dated October 23, 2015, the GD determined that the Appellant was ineligible for a CPP disability pension under the *Canada Pension Plan* (CPP) as his disability was not “severe and prolonged” as of the minimum qualifying period. The Appellant then requested leave to appeal from the Appeal Division (AD) of the Tribunal.

[3] On May 31, 2016, the AD granted the Appellant leave to appeal.

[4] The parties to this appeal have now requested that the AD make a decision pursuant to Section 18 of the *Social Security Tribunal Regulations* based on the agreement dated July 12, 2016.

[5] The agreement reads as follows:

The parties hereby agree to the Appeal Division of the Social Security Tribunal ordering that:

- (a) Pursuant to subparagraph 44(1)(b)(ii) of the *Canada Pension Plan*, the Appellant is found to be disabled within the meaning of the *Canada Pension Plan* on or prior to December 31, 2009 when he last met that contributory requirements of the *Canada Pension Plan*;
- (b) However, pursuant to paragraph 42(2)(b) the *Canada Pension Plan*, based on the date of the Appellant’s application in April 2013, the earliest the Appellant can be deemed to have become disabled is January 2012; and
- (c) Pursuant to section 69 of the *Canada Pension Plan*, the Appellant is entitled to a disability pension commencing in May 2012.

[6] The appeal is hereby allowed in accordance with the agreement.



Member, Appeal Division