



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *K. W. v. Minister of Employment and Social Development*, 2017 SSTGDIS 166

Tribunal File Number: GP-16-2401

BETWEEN:

**K. W.**

Appellant

and

**Minister of Employment and Social Development**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**General Division – Income Security Section**

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DECISION BY: Jackie Laidlaw

HEARD ON: November 6, 2017

DATE OF DECISION: November 6, 2017

## REASONS AND DECISION

### OVERVIEW

[1] The Respondent received the Appellant's application for a *Canada Pension Plan* (CPP) disability pension on November 25, 2015. The Appellant claimed that she was disabled because of injuries of body pain, anxiety and agoraphobia arising from a motor vehicle accident. The Respondent denied the application initially and upon reconsideration. The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal).

[2] To be eligible for a CPP disability pension, the Appellant must meet the requirements that are set out in the CPP. More specifically, the Appellant must meet the minimum requirements for an MQP and made valid contributions to the CPP for not less than the MQP. The calculation of the MQP is based on the Appellant's contributions to the CPP.

[3] This appeal was heard by Teleconference for the following reasons:

- a) The Appellant will be the only party attending the hearing.
- b) The method of proceeding provides for the accommodations required by the parties or participants.
- c) The issues under appeal are complex.
- d) This method of proceeding respects the requirement under the *Social Security Tribunal Regulations* to proceed as informally and quickly as circumstances, fairness and natural justice permit.

[4] The following people attended the hearing:

- a) K. W., Appellant
- b) N. M., Witness

[5] The Tribunal has decided that the Appellant is not eligible for a CPP disability pension for the reasons set out below.

### PRELIMINARY ISSUES

*Adjournment*

[6] The hearing was heard originally on September 28, 2017. During the course of the hearing the Appellant had documents in her possession relevant to the appeal. The Tribunal member determined a short adjournment was appropriate in order for the Respondent and the Tribunal Member to receive and review the documents.

[7] An adjourned hearing date was set for November 6, 2017.

## **EVIDENCE**

### ***Oral Testimony***

[8] The Appellant stated that she filed a number of tax returns in 2016, late, with the help of the Salvation Army. She has filed all her income tax now except for 2017, which is not yet due, and one day earnings in 2015.

[9] The Appellant stated she did not work in 2010 or 2011 as she was struggling with a drug addiction.

[10] She was in a car accident in December 2013 and did not work in 2014.

[11] She tried working for one day at Boston Pizza in 2015.

[12] She did not work in 2016 and was on Ontario Disability Support Program (ODSP) benefits.

[13] The last year she worked was 2013.

### ***Documentary Evidence***

[14] Notice of Assessments were issued on April 18, 2016 for the following years: 2008; 2010; 2011; and 2012.

[15] A Notice of Assessment was issued on March 14, 2016 for the year 2013 with a total income of \$11,171.

[16] A Notice of Assessment dated May 2, 2016 shows the tax year of 2014 has no income.

[17] A Notice of Assessment dated May 5, 2016 for the year 2015 showed no income.

[18] The latest record of earnings showed the Appellant had unadjusted pensionable earnings in the years 2008 (below disability basic exemption), 2012 and 2013. There were CPP contributions in 2009 and 2015 both with no unadjusted pensionable earnings. CPP refunds were made in 2006 and 2007 with no unadjusted pensionable earnings and CPP refunds on the pensionable earnings in 2012 and 2013.

## **SUBMISSIONS**

[19] The Appellant submitted that she qualifies for a disability pension because:

- a) She worked more than four years and has contributed to the CPP enough to satisfy the MQP requirement.

[20] The Respondent submitted in writing that the Appellant does not qualify for a disability pension because:

- a) She has not made sufficient contributions to the CPP to satisfy the MQP requirements.

## **ANALYSIS**

### **Test for a CPP Disability Benefit**

[21] Paragraph 44(1)(b) of the CPP sets out the eligibility requirements for the CPP disability pension. To qualify for the disability pension, an applicant must:

- a) be under 65 years of age;
- b) not be in receipt of the CPP retirement pension;
- c) be disabled; and
- d) have made valid contributions to the CPP for not less than the MQP.

### **Test for a Minimum Qualifying Period**

[22] Subparagraph 44(2)(a) sets out the conditions required for an MPQ:

(a) a contributor shall be considered to have made contributions for not less than the minimum qualifying period only if the contributor has made contributions on earnings that are not less than the basic exemption of that contributor, calculated without regard to subsection 20(2),

(i) for at least four of the last six calendar years included either wholly or partly in the contributor's contributory period included either wholly or partly in the contributor's contributory period.

### **ANALYSIS**

[23] While the Appellant has worked sporadically over the years, she has made enough valid contributions to the CPP for two years only, in 2012 and 2013.

[24] Therefore, an MQP cannot be determined.

[25] The legislation sets out that a minimum qualifying period is required in order to qualify for a CPP disability benefit.

[26] The Tribunal finds the Appellant has failed to meet the minimum qualifying period of CPP contributions in order to be eligible for a CPP disability benefit.

### **CONCLUSION**

[27] The appeal is dismissed.

Jackie Laidlaw  
Member, General Division - Income Security