



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *G. R. v Minister of Employment and Social Development*, 2018 SST 1404

Tribunal File Number: GP-18-338

BETWEEN:

G. R.

Appellant

and

Minister of Employment and Social Development

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

DECISION BY: David Somer

DATE OF DECISION: September 7, 2018

REASONS AND DECISION

OVERVIEW

[1] The Appellant applied for a Canada Pension Plan disability pension. The Respondent denied the application initially and upon reconsideration. The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on May 29, 2017.

[2] This appeal involves whether or not the Claimant is entitled to a CPP disability pension.

[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] The Pension Appeals Board decision of July 1997 is final for the time the Claimant had made sufficient contributions to the CPP. There have been no additional contributions made after December 1995.

SUBMISSIONS

[6] 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). The Claimant submitted that:

- a) The original date of the PTSD disability can be traced back to 1984 according to medical information that has been submitted to the Tribunal.
- b) The Claimant submitted that he has paid enough into the CPP to qualify for a CPP disability benefit.
- c) There has been a mistake made by the Tribunal in the determination of the onset date of the disability for the Claimant.

[7] The Respondent submitted that:

- a) The Legislation says that once the Pension Appeals Board makes a decision, their decision is final and binding. This means the CPP cannot change it.
- b) The last date that the Claimant made sufficient contributions to the CPP to qualify for disability benefits was December 1995.

ANALYSIS

[8] 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.

[9] The Tribunal finds that the Claimant does not qualify for CPP disability pension. The Claimant's MQP is December 31, 1995. He did not have a severe and prolonged medical condition at that time. He has made no further valid contributions since the original decision to dismiss his first application. The matter has already been decided by the Pension Appeals Board in July 1997 and the decision is final and binding. The Claimant's 3rd application was denied *res judicata* and his 4th application for CPP disability was received on January 13, 2017 and on February 6, 2018 the *res judicata* denial was maintained.

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

CONCLUSION

[11] The appeal is summarily dismissed.

David Somer
Member, General Division - Income Security