



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *D. O. v Minister of Employment and Social Development*, 2020 SST 374

Tribunal File Number: GP-19-1517

BETWEEN:

D. O.

Claimant

and

Minister of Employment and Social Development

Minister

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

Decision by: Patrick O'Neil

Videoconference hearing on: January 20, 2020

Date of decision: January 20, 2020

DECISION

[1] The Claimant is not entitled to *Canada Pension Plan* (CPP) disability pension payments prior to July 2017.

OVERVIEW

[2] The Minister received the Claimant's application for the disability pension on June 27, 2018¹. The Minister denied the application initially². The Minister, following reconsideration, on March 19, 2019, approved the application with payments beginning July 2017³. The Claimant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) seeking additional retroactivity of pension payments.

ISSUE(S)

[3] Is the Claimant entitled to CPP disability pension payments prior to July 2017?

ANALYSIS

The Claimant is not entitled to CPP disability pension payments prior to July 2017.

[4] The CPP provides that no CPP benefit is payable to a Claimant unless the Claimant has made an application, and payment of the benefit has been approved⁴. The Claimant applied for a CPP disability pension on June 27, 2018. The Minister approved payment on March 19, 2019. The Minister determined the Claimant met the eligibility requirements for a CPP disability pension effective March 2017. Payments began July 2017.

[5] Once a person meets the eligibility requirements for the CPP disability pension, the CPP then sets out the rules for payment of the pension. No applicant shall be deemed disabled earlier

¹ GD2 pages 43-47

² GD2 pages 33-35

³ GD2 pages 15-16

⁴ Paragraph 60(1) CPP

than fifteen months before the Minister received the pension application⁵. The CPP further limits payment of the disability pension to the fourth month after the deemed date of disability⁶.

[6] The Minister received the Claimant's application for the CPP disability pension in June 2018. The Minister deemed him disabled in March 2017, which is fifteen months before the Minister received his application. The Minister determined the Claimant was entitled to disability pension payments beginning July 2017, which is four months after the deemed date of disability. I find the Claimant has received the maximum retroactivity of CPP disability payments permitted by the CPP. I find he is not entitled to CPP disability pension payments prior to July 2017.

[7] The Tribunal was created by legislation. I only have the power granted to it by its governing statute. I am required to interpret and apply the provisions set out in the CPP. I cannot use the principles of equity or consider extenuating circumstances to grant more retroactivity than is prescribed by the CPP.

CONCLUSION

[8] The appeal is dismissed.

Patrick O'Neil
Member, General Division - Income Security

⁵ Paragraph 42(2)(b) CPP

⁶ Paragraph 69 CPP