



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *DZ v Minister of Employment and Social Development*, 2020 SST 637

Tribunal File Number: GP-19-729

BETWEEN:

**D. Z.**

Appellant (Claimant)

and

**Minister of Employment and Social Development**

Minister

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

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Decision by: Pierre Vanderhout

Date of decision: June 29, 2020

## **DECISION**

[1] The Claimant is not entitled to a Canada Pension Plan (“CPP”) post-retirement disability benefit (“PRDB”).

## **OVERVIEW**

[2] The Claimant is 63 years old. She has made two unsuccessful applications for CPP disability benefits. She started receiving a CPP retirement pension in December 2016. The Minister received her application for the PRDB on January 10, 2019. The Minister denied the application initially and on reconsideration. The Claimant appealed the reconsideration decision to the Social Security Tribunal. The hearing proceeded by written questions and answers. The Claimant responded before the deadline of June 22, 2020.<sup>1</sup>

[3] To qualify for the PRDB, the Claimant must meet the requirements set out in the CPP. In particular, she must (1) be receiving a CPP or QPP retirement pension, (2) be 60 to 64 years old, (3) be disabled (as defined in the CPP), and (4) have made contributions for not less than the minimum qualifying period (“MQP”). However, her MQP must be January 1, 2019, or later, as the law creating the PRDB only came into force on January 1, 2019.<sup>2</sup> When she appealed, she suggested that she did not agree with the MQP (December 31, 2010) calculated by the Minister.<sup>3</sup>

## **ISSUES**

[4] What is the Claimant’s MQP date?

[5] Does the Claimant meet all the PRDB requirements?

## **ANALYSIS**

[6] In the reconsideration decision, the Minister denied the Claimant’s PRDB application because her MQP date was not in 2019 or later. This meant she could never qualify for the PRDB, even if she met the CPP definition of disability. As the Claimant did not appear to accept the MQP date given by the Minister, I will first determine her MQP date.

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<sup>1</sup> GD0-2 and GD4-1.

<sup>2</sup> Paragraph 44(1)(h) of the *Canada Pension Plan*.

<sup>3</sup> GD1-1

### **What is the Claimant's MQP date?**

[7] The Claimant's MQP date is December 31, 2010. She has less than 25 years of valid CPP contributions.<sup>4</sup> As a result, her MQP exists whenever she has valid contributions in at least four of the latest six years.<sup>5</sup> She made no valid CPP contributions after 2008.<sup>6</sup> At the end of 2010, she had valid contributions in four (2005, 2006, 2007, and 2008) of the latest six calendar years (which also included 2009 and 2010). However, in 2011, she had valid contributions in only three (2006, 2007, and 2008) of the latest six calendar years.<sup>7</sup> This means her MQP cannot extend beyond 2010. Her MQP date is therefore December 31, 2010. I will now consider whether she meets all the PRDB requirements.

### **Does the Claimant meet all the PRDB requirements?**

[8] The Claimant did not meet all the PRDB requirements. She met some of them when she applied in 2019. For example, she had received a CPP retirement pension since December 2016. She was 62 years old when she applied for the PRDB.

[9] The problem for the Claimant is that her MQP ends on December 31, 2010. The PRDB did not take effect until January 1, 2019. There were no retroactivity provisions. The legislation did not provide for pre-2019 PRDB eligibility or payments.<sup>8</sup> She could only be eligible for the PRDB if her MQP is January 1, 2019, or later. As her MQP ends in 2010, she cannot meet the PRDB eligibility requirements. This means her appeal cannot be successful. However, before concluding, I will comment briefly on her evidence and submissions.

### *The Claimant's evidence and submissions*

[10] The Claimant's evidence and submissions focused mainly on whether she was disabled. However, the critical issue is whether her MQP date is after December 31, 2018. Without meeting that requirement, her disability status is irrelevant for the PRDB. I will take a closer look at her two suggestions that her 2010 MQP date might have been incorrect.

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<sup>4</sup> GD2-60 to GD2-61.

<sup>5</sup> Subsection 44(4) of the *Canada Pension Plan*.

<sup>6</sup> Qualifying contributions require employment earnings above that year's yearly basic exemption ("YBE") for CPP disability. The 2009 YBE for CPP disability was \$4,600.00. It has increased slowly since then.

<sup>7</sup> GD2-60 to GD2-61.

<sup>8</sup> The enabling legislation was the *Budget Implementation Act, 2018, No. 1*, S.C. 2018, c. 12.

[11] Firstly, the Claimant implied that she might have made more CPP contributions through her work for a law firm. She mentioned a “submission of money for the 10 years I worked on contract law for Phillips Aiello”.<sup>9</sup> I asked her to describe the dates she worked for the Phillips Aiello firm, her earnings during that time, and what she meant by a “submission of money”.<sup>10</sup> In response, she just said that, “the lawyer covered her bills”. This might have been a contract or outsourcing arrangement. In other words, it may not even have been an employment relationship. It is also possible that her CPP contributions summary already reflects her work for Phillips Aiello. She never clarified when she worked for that company. Her evidence about this work is simply too vague. Without persuasive evidence, her MQP cannot change.

[12] Secondly, the Claimant also made general statements that hinted at additional CPP contributions.<sup>11</sup> I asked her to provide specifics and documents, if she had made any valid contributions that were not in her CPP contributions summary.<sup>12</sup> In response, she only said that she “called a law firm and asked the lawyer to make contributions to the CPP, however if nothing has been filed then the money is lost.”<sup>13</sup> She filed no additional documents, nor did she suggest that any were forthcoming. She also gave no contribution dates or amounts. Once again, the lack of specific evidence about her CPP contributions makes it impossible to adjust her MQP from December 31, 2010.

## CONCLUSION

[13] The Claimant is not eligible for the PRDB. Her appeal is dismissed.

Pierre Vanderhout  
Member, General Division - Income Security

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<sup>9</sup> GD1-1

<sup>10</sup> GD0-2

<sup>11</sup> GD1-1. She also suggested this in a telephone call to the Tribunal on June 14, 2019.

<sup>12</sup> GD0-2

<sup>13</sup> GD1-1