



[TRANSLATION]

Citation: *Y. G. v Minister of Employment and Social Development*, 2020 SST 721

Tribunal File Number: AD-20-611

BETWEEN:

**Y. G.**

Applicant

and

**Minister of Employment and Social Development**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division**

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Leave to Appeal Decision and Appeal Decision by: Jude Samson

Date of Decision: August 24, 2020

## DECISION AND REASONS

### DECISION

[1] I am granting the application for leave to appeal and allowing the appeal. The Applicant is not eligible for a disability pension under the *Canada Pension Plan* (CPP).

### SETTLEMENT AGREEMENT

[2] I am making this decision after a settlement conference held on August 24, 2020. The Applicant and a representative of the Minister attended the conference. At the conference, the parties confirmed that they agreed with the Minister's proposal, as it was stated in its letter dated August 21, 2020.

[3] In summary, the parties agree as follows:

- a) The General Division based its decision on an erroneous finding of fact without regard for the material before it.<sup>1</sup>
- b) Specifically, the General Division found that the Applicant had not seen a specialist before 2016. However, the Applicant was assessed in ORL, in neurology, and in cardiology before that date.
- c) Furthermore, the General Division did not consider the Applicant's employment earnings in 2016 and 2017. These employment earnings are not mentioned or discussed in the General Division decision, even though they are very low.
- d) In this situation, it is appropriate to grant the leave to appeal application, allow the appeal, and give the decision that the General Division should have given.<sup>2</sup>

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<sup>1</sup> This error is set out in section 58(1) of the *Department of Employment and Social Development Act* (DESD Act).

<sup>2</sup> Section 59(1) of the DESD Act gives me this power.

e) The Applicant has established that he has been disabled under the CPP since April 2016.<sup>3</sup>

f) The Applicant will be entitled to his disability benefits as of August 2016.<sup>4</sup>

## CONCLUSION

[4] Based on the information available to me, I grant the application for leave to appeal, and I allow the appeal, in accordance with the above settlement agreement.

[5] If the Applicant is satisfied with this decision, he is invited to write to the Tribunal and ask it to close his file at the General Division (GP-20-804). Given the above decision, the Applicant's application to rescind or amend no longer seems relevant or useful.

Jude Samson  
Member, Appeal Division

REPRESENTATIVES:	Y. G., self-represented Suzette Bernard, Representative for the Respondent
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<sup>3</sup> Section 42(2)(b) of the *Canada Pension Plan* (CPP) states that a person cannot be found to be disabled more than 15 months before the date of their disability pension application.

<sup>4</sup> Section 69 of the CPP states a four-month waiting period.