



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *DO v Minister of Employment and Social Development*, 2020 SST 1182

Tribunal File Number: GP-20-95

BETWEEN:

**D. O.**

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: Adam Picotte

Claimant represented by: Amanda Byrne

Videoconference hearing on: June 4, 2020

Date of decision: October 13, 2020

## **DECISION**

[1] The Claimant is not entitled to a Canada Pension Plan (CPP) disability pension.

## **OVERVIEW**

[2] The Claimant was involved in a car accident that prevented him from working. As a result of the accident he developed a number of medical conditions that impacted his ability to function. These conditions included, myofascial pain syndrome, chronic pain, thoracic outlet syndrome and post-concussion syndrome.

[3] The Minister received the Claimant's application for the disability pension on June 10, 2019. The Minister denied the application initially and on reconsideration. The Claimant appealed the reconsideration decision to the Social Security Tribunal.

## **PRELIMINARY MATTERS**

[4] The appeal proceeded by an oral hearing conducted by videoconference. In the normal course of hearings, the Tribunal records hearings. I did so during the hearing however, the recorder was defective and no recording took place. As a result, there is no recording of the hearing.

## **ISSUE**

*Does the Claimant has a minimum qualifying period?*

[5] To qualify for a CPP disability pension, the Claimant must meet the requirements that are set out in the CPP. More specifically, the Claimant must be found disabled as defined in the CPP on or before the end of the minimum qualifying period (MQP). The calculation of the MQP is based on the Claimant's contributions to the CPP. It is a requirement for a CPP disability benefit that a Claimant have a valid MQP.

[6] A valid MQP is present when a Claimant has made sufficient contributions for either 4 out of 6 calendar years or 3 out of 6 years and 25 years of valid contributions.<sup>1</sup>

[7] An initial review of the Claimant's record of contributions demonstrated valid earnings in 2007, 2012, and 2013.<sup>2</sup> On that basis, the Claimant does not have sufficient years of valid contributions for an MQP.

[8] During the oral hearing, the Claimant advised me that he provided care for his children and therefore ought to have qualified for a child rearing dropout provision. As his spouse had obtained the benefit of a child tax credit, I put the matter into abeyance so that he could obtain a decision from the Canada Revenue Agency. I did this because with certain years dropped out from his period of contribution he might have a valid MQP.

[9] The Claimant obtained a decision from the Canada Revenue Agency. I then sent the decision along with some questions to the Minister for a submission on whether the Claimant then had a valid MQP or perhaps a valid pro-rated MQP.

[10] On October 9, 2020, the Minister responded to my request and provided a submission that the Claimant could not benefit from a prorated MQP even with the applicable drop out provisions as the Claimant still had insufficient contributions for a valid MQP.

[11] The Minister's basis for its submission was that even with a child rearing provision drop-out applied the only year that would be removed is 2009. The result would be consideration for the years 2014, 2013, 2012, 2011, 2010, and 2008. During this time, the Claimant only had two valid years of contributions and one pro-rated year. As such, he still does not have a valid MQP.

[12] I find the Minister's submissions to be correct. I cannot find an MQP for the Claimant and therefore cannot consider whether he had a severe and prolonged disability.

[13] I must dismiss his appeal.

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<sup>1</sup> CPP Section 44(2)

<sup>2</sup> GD2-66

[14] I thought it important to note that the Claimant's 2008 reported earnings are only a few hundred dollars short of a valid contribution. If the Claimant believes the amount from that year is incorrect, he may seek a ruling from the tax court. If the result was positive, he may then have a valid pro-rated MQP. If that turns out to be the case, he could then file a new claim that could be considered for benefits.

## **CONCLUSION**

[15] The appeal is dismissed.

Adam Picotte  
Member, General Division - Income Security