



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *PM v Minister of Employment and Social Development*, 2021 SST 423

Tribunal File Number: GP-21-188

BETWEEN:

P. M.

Appellant (Claimant)

and

Minister of Employment and Social Development

Minister

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

Decision by: Kelly Temkin

Claimant represented by: R. W.

Date of decision: June 18, 2021

DECISION

[1] The Claimant, P. M., does not qualify for a CPP disability pension.

[2] Here are my reasons for dismissing the appeal.

OVERVIEW

[3] The Claimant applied for a CPP retirement pension in October 2017. He started to receive a CPP retirement pension in January 2018. He applied for a CPP disability benefit in April 2020. The Minister denied his application for the CPP disability pension. However, it approved him for the PRDB.¹

[4] The Claimant requested reconsideration of the decision. He wants to receive a CPP disability benefit, rather than a PRDB benefit. The Minister denied the reconsideration request because if a person applies for a CPP disability pension benefit more than 15-months after they start receiving a CPP retirement pension, they cannot change the retirement pension to a disability benefit.²

[5] The Claimant appealed the decision to the General Division of the Social Security Tribunal.

PRELIMINARY MATTERS

[6] I invited the parties to attend a Pre-Hearing Conference to discuss the issues on file and review the rules for eligibility for the PRDB and CPP disability benefits. Both parties attended and the Claimant explained his position. The Claimant requested that I write my decision following the Pre-Hearing Conference.

ANALYSIS

[7] At the Pre-Hearing Conference the Claimant explained the following:

¹ See paragraph 44(1)(h) of the CPP

² The 15-month deadline is from the start date of the CPP retirement pension, and not the start of the PRDB.

- He had intended to work to age 65, but had to retire from work in November 2017 due to health issues. He was unaware of CPP disability benefits.³
- His PRDB benefits started in May 2019, after the 4-month waiting period required by CPP legislation. January 2019 is inside the 15-month time frame (he started to receive his retirement pension in January 2018) to apply for CPP disability benefits after receiving CPP retirement benefits.⁴
- If he received CPP disability he would be in a better financial position because he would start his retirement pension at age 65, rather than taking early retirement.
- He confirmed that he made his own applications for CPP and that incapacity was not an issue in delaying his application for a CPP disability benefit.

My Findings

[8] The Claimant applied for a CPP retirement pension in October 2017. He began receiving his CPP retirement pension in January 2018. In April 2020, the Minister received his application for a CPP disability benefit. This is 16 months after he first began to receive his CPP retirement pension.

[9] The 15-month deadline to apply for CPP's disability pension is calculated from the start date of the CPP retirement pension, and not the start of the PRDB. The Claimant was not eligible for a CPP disability benefit because he applied more than 15 months after he began to receive his retirement benefit.

[10] New legislation, effective January 1 2019, provides disability protection for CPP retirement pensioners who are disabled on or after their retirement pension start date, but have not reached age 65.

[11] The Claimant was granted a Post-Retirement Disability Benefit (PRDB) with a date of onset of January 2019, which was both 15 months prior to the date of application and the month

³ GD4-2

⁴ GD4-2

the benefit came into effect.⁵ The effective date of payment, following the legislated four months wait, was May 2019.

CONCLUSION

[12] The Claimant does not qualify for a CPP disability benefit.

[13] The Claimant is receiving a PRDB with maximum retroactivity.

[14] The appeal is dismissed.

Kelly Temkin
Member, General Division - Income Security

⁵ See paragraph 44(1)(h) of the CPP