



Citation: *KR v Minister of Employment and Social Development*, 2021 SST 654

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: K. R.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated October 25, 2021
(GP-21-501)

Tribunal member: Shirley Netten

Decision date: November 4, 2021

File number: AD-21-359

Decision

[1] Leave (permission) to appeal is refused. The appeal will not proceed.

Overview

[2] The General Division of the Social Security Tribunal decided that K. R. (Claimant) was entitled to the Canada Pension Plan disability pension (CPPD), payable as of November 2020. The General Division said it had no authority over Service Canada's payment of some of her CPPD benefits to the Alberta government's disability program (Assured Income for the Severely Handicapped, or AISH).

[3] The Claimant requested permission to appeal to the Tribunal's Appeal Division. She disagrees with the ongoing monthly deduction of \$1145 (an amount equivalent to her CPPD) from her AISH benefits.

Issue

[4] Is there an arguable case that the General Division made a reviewable error?

Analysis

[5] The Appeal Division must grant permission to appeal unless the appeal "has no reasonable chance of success."¹ A reasonable chance of success means having some arguable ground upon which the proposed appeal might succeed.² The possible grounds of appeal are errors of jurisdiction, procedural errors, errors of law, and important errors about the facts of the case.³

[6] The Claimant accepts the General Division's decision about her CPPD benefits. She also accepts that Service Canada was allowed to redirect her CPPD benefits to AISH, up to February 2021.⁴

¹ *Department of Employment and Social Development Act*, sections 58(2) and 58(3)

² See, for example, *Osaj v. Canada (Attorney General)*, 2016 FC 115.

³ *Department of Employment and Social Development Act*, section 58(1)

⁴ The Claimant points out that she consented to this in June 2019. The legal authority for this redirection is in section 65(2) of the *Canada Pension Plan*.

[7] The Claimant's concern is about what happened after February 2021. The AISH program has been deducting \$1145 from her monthly AISH benefits, and she did not expect or agree to this. The Claimant receives only \$519 from AISH after the deduction, and \$1145 from CPPD. She is struggling financially and says that she should receive the full amount of both benefits.

[8] The Claimant's disagreement with the AISH deduction does not point to an error by the General Division. It is true that the General Division did not make any decision about the AISH deduction. But the deduction was decided **by the AISH program**. The General Division only hears appeals of decisions made by Service Canada on behalf of the Minister of Employment and Social Development. Appeals about CPPD benefits come to the General Division, but appeals about AISH benefits go to the AISH Appeals Secretariat.

[9] In other words, the Claimant has unfortunately brought her complaint to the wrong place. There is nothing that the General Division, or the Appeal Division, can do about a decision made by the AISH program.

[10] Because of this, there is no chance of success on appeal to the Appeal Division. That is why I can't give the Claimant permission to appeal.

[11] Just as the rules for CPPD are set out in the *Canada Pension Plan* and its regulations, the rules for AISH are set out in the *Assured Income for the Severely Handicapped Act* and its regulations. The Claimant may wish to look at these documents⁵ and/or contact the AISH program to find out the legal rules about deductions from AISH benefits, and whether an appeal is possible.

Other documents

[12] Since filing her request for permission to appeal, the Claimant has forwarded a number of documents that outline serious safety concerns. These do not relate to her

⁵ [SA 2006, c A-45.1 | Assured Income for the Severely Handicapped Act | CanLII](#) (Schedule 1, section 6); [Alta Reg 91/2007 | Assured Income for the Severely Handicapped General Regulation | CanLII](#)

appeal of the General Division decision. I encourage the Claimant to follow up with her local police force, and to seek assistance from other local social service agencies.

Conclusion

[13] Permission to appeal is refused. This means that the appeal will not proceed.

Shirley Netten
Member, Appeal Division