



Citation: *DH v Minister of Employment and Social Development*, 2021 SST 904

**Social Security Tribunal of Canada  
General Division – Income Security Section**

**Decision**

**Claimant:** D. H.

**Respondent:** Minister of Employment and Social Development

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated September 6, 2019 (issued  
by Service Canada)

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**Tribunal member:** Antoinette Cardillo

**Type of hearing:** Teleconference

**Hearing date:** September 28, 2021

**Hearing participant:** Claimant

**Decision date:** ~~November 4, 2021~~

**CORRIGENDUM DATE:** **November 18, 2021**

**File number:** GP-19-1835

## Decision

[1] The appeal is allowed.

[2] The Claimant, D. H., is eligible for a Canada Pension Plan (CPP) disability pension. Payments start as of ~~August 2019~~ **[December 2019]**. This decision explains why I am allowing the appeal.

## Overview

[3] The Claimant is 39 years old and completed grade 10 as well as 2 1/2 years of college studies. He described his main disabling condition as tinnitus. The Claimant indicated he was last employed as a youth care worker from September 15, 2014 to July 23, 2018, when he stopped working due to his condition<sup>1</sup>. He did work occasionally on a part-time basis after July 2018.

[4] The Claimant applied for a CPP disability pension on September 27, 2018<sup>2</sup>. The Minister of Employment and Social Development (Minister) initially refused his application. The Claimant appealed the Minister's decision to the Social Security Tribunal's General Division.

[5] A hearing was held on September 28, 2021. The issue in this appeal was whether the Claimant established that he was disabled within the meaning of the CPP on or prior to his minimum qualifying period (MQP) of December 31, 2020<sup>3</sup> and continuously thereafter. The calculation of the MQP is based on the Claimant's contributions to the CPP<sup>4</sup>.

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<sup>1</sup> GD2-70

<sup>2</sup> GD2-4

<sup>3</sup> GD30

<sup>4</sup> GD27-8

## Matters I have to consider first

### I accepted documents sent in after the hearing

[6] On October 3, 2021<sup>5</sup>, after the hearing, the Claimant submitted additional medical information which he had been trying to obtain from his doctor for a long time. The additional information was shared with the Minister with an opportunity to reply.

[7] On October 12, 2021<sup>6</sup>, the Minister submitted that the additional evidence provided by the Claimant supported a determination that he was disabled within the meaning of the CPP as of August 24, 2019. The Minister asked that the Tribunal grant the appeal.

## Reasons for my decision

[8] The CPP defines “severe” and “prolonged.” A disability is severe if it makes a claimant incapable regularly of pursuing any substantially gainful occupation<sup>7</sup>. A disability is **prolonged** if it is likely to be long continued and of indefinite duration, or is likely to result in death<sup>8</sup>.

[9] I accept the Minister’s submissions received on October 12, 2021<sup>9</sup> and find that the Claimant had a severe and prolonged disability by his MQP.

### When payments start

[10] The Claimant’s disability became severe and prolonged in August 2019, when he was placed off work by his family doctor.

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<sup>5</sup> GD26

<sup>6</sup> GD27

<sup>7</sup> Section 42(2)(a) of the *Canada Pension Plan* gives this definition of severe disability

<sup>8</sup> Section 42(2)(a) of the *Canada Pension Plan* gives this definition of prolonged disability

<sup>9</sup> GD27

[11] There is a four-month waiting period before payments start.<sup>10</sup> This means that payments start as of December 2019.

## **Conclusion**

[12] I find that the Claimant is eligible for a CPP disability pension because his disability is severe and prolonged. This means the appeal is allowed.

Antoinette Cardillo

Member, General Division – Income Security Section

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<sup>10</sup> Section 69 of the *Canada Pension Plan* sets out this rule.