



Tribunal de la sécurité
sociale du Canada
[TRANSLATION]

Social Security
Tribunal of Canada

Citation: *VC v Minister of Employment and Social Development*, 2022 SST 1751

Tribunal File Number: GP-21-2463

BETWEEN:

V. C.

Appellant

and

Minister of Employment and Social Development

Minister

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Income Security Section

Decision by: Antoinette Cardillo

Date of decision: February 25, 2022

Decision

[1] The appeal is summarily dismissed because the appeal has no reasonable chance of success for the reasons set out below.

Overview

[2] The Appellant applied for a Canada Pension Plan (CPP) disability pension on June 28, 2021.¹ The Minister refused the application initially and on reconsideration. The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on November 30, 2021.²

[3] The appeal is about the Appellant's eligibility for the CPP disability pension.

[4] The *Department of Employment and Social Development Act* (DESD Act)³ says that the Tribunal must summarily dismiss an appeal if it is satisfied that it has no reasonable chance of success.⁴

Analysis

[5] The Appellant received a written notice⁵ of intention to summarily dismiss the appeal and was given a reasonable period of time to make submissions, as set out in the *Social Security Tribunal Regulations* (Regulations).⁶ The Appellant did not make submissions in response to the notice of intention to summarily dismiss her appeal.

[6] The Minister says that the Appellant was not eligible for the CPP disability pension because she had not made enough CPP contributions.

¹ GD2-34.

² GD1.

³ Section 53(1) of the *Department of Employment and Social Development Act* (DESD Act).

⁴ *Miter v Canada (AG)*, 2017 FC 262.

⁵ GD0.

⁶ Section 22 of the *Social Security Tribunal Regulations* (Regulations).

[7] In her notice of appeal, the Appellant argued that it was difficult for her to work because of her medical condition. When she was able to work, she worked at minimum wage, which would explain why she did not make enough CPP contributions.

[8] To be eligible for a CPP disability pension,⁷ a person must meet the following criteria:

- They must be under 65 years of age.
- They must have made a minimum amount of valid CPP or Quebec Pension Plan (QPP) contributions.
- They must have a physical or mental condition that prevents them from regularly working. Their condition must be found to be both severe and prolonged as defined by the CPP.

[9] In the Appellant's case, she is 40 years old, so she meets the first criterion. But, she has not made enough valid CPP contributions to establish a coverage period. She does not meet the second criterion.

[10] To establish a coverage period, a person must have made the minimum of valid CPP or QPP contributions:⁸

- in at least 4 of the last 6 years, or
- for at least 25 years, including 3 of the 6 years, or
- for each year since the previous CPP disability pension was canceled, if the person has received the benefit in the past

[11] Based on the information and evidence on file, the Appellant has not made eligible CPP contributions in four of the last six years. She has made valid

⁷ Section 44(1)(b) of the *Canada Pension Plan*.

⁸ Section 44(2) of the *Canada Pension Plan*.

CPP contributions in only one of the last six years. Also, she has not made valid CPP contributions for at least 25 years, including 3 of the last 6 years. This means that she has not made enough CPP contributions to establish a coverage period for the disability pension.

[12] As a legislative body, I only have the powers that the Tribunal has under the law. I must interpret and apply the provisions as they are set out in the *Canada Pension Plan*.

[13] As a result, I find that the appeal has no reasonable chance of success.

Conclusion

[14] The appeal is summarily dismissed.

Antoinette Cardillo
Member, General Division – Income Security Section