



Citation: *AT v Minister of Employment and Social Development*, 2023 SST 447

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: A. T.

Respondent: Minister of Employment and Social Development
Representative: Dani Grandmaître

Decision under appeal: General Division decision dated November 24, 2022
(GP-21-75)

Tribunal member: Kate Sellar

Type of hearing: In Writing

Decision date: **April 14, 2023**

File number: AD-23-155

Decision

[1] I'm allowing the appeal. The Claimant did not stop (cease) being disabled within the meaning of the *Canada Pension Plan* (CPP) in February 2020. These are the reasons for my decision.

Background

[2] A. T. (Claimant) has schizophrenia. He applied for a CPP disability pension in March 2012. The Minister approved his application. He received the disability pension until February 2020. The Minister stopped his pension, finding that he ceased being disabled within the meaning of the CPP.¹ The Claimant asked for reconsideration, but the Minister maintained its decision.

[3] The Claimant appealed the Minister's decision to stop the disability pension. The General Division dismissed the Claimant's appeal. The General Division decided that the Minister proved that the Claimant's disability stopped being severe within the meaning of the CPP by February 2020.

[4] I gave the Claimant permission to appeal the General Division decision because he had new evidence that the General Division didn't have. He provided a medical letter from his treating psychiatrist dated February 10, 2023, and a shareholder information document from Canada Revenue Agency.

The parties agree on the outcome of the appeal

[5] The parties have asked for a decision based on an agreement they reached during a settlement conference on April 12, 2023.

[6] The parties agree as follows:

- The Claimant didn't stop (cease) being disabled within the meaning of the CPP in February 2020.

¹ See section 70(1)(a) of the *Canada Pension Plan* (CPP).

- The Claimant's return to work in 2020 through to 2021 was not successful. It was a failed work attempt.
- The Appeal Division should allow the appeal.

I accept the parties' agreement

[7] I accept the parties' agreement. The Claimant did not stop having a severe and prolonged disability within the meaning of the CPP in February 2020.²

[8] The record shows that the Claimant has periods of remission and periods of decompensation. However, he didn't stop having a severe and prolonged disability in February 2020. He is incapable regularly of pursuing any substantially gainful occupation. He has not refused treatment unreasonably. He takes antipsychotic medication and is treated in hospital when necessary. He continues to have trouble with concentration, completing multiple step tasks and has significant difficulties in functioning in the community.

[9] The Claimant's disability is long-continued and of indefinite duration. This means his disability is prolonged.

Conclusion

[10] I allow the appeal. The Claimant did not stop being entitled to a *Canada Pension Plan* disability pension in February 2020.

Kate Sellar
Member, Appeal Division

² See section 42(2) of the CPP.