



Citation: *RH v Minister of Employment and Social Development*, 2023 SST 692

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

# **Decision**

**Appellant:** R. 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 14, 2022  
(issued by Service Canada)

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**Tribunal member:** Adam Picotte

**Type of hearing:** Teleconference

**Hearing date:** June 16, 2023

**Hearing participants:** Appellant

**Decision date:** June 19, 2023

**File number:** GP-22-1890

## **Decision**

[1] The appeal is dismissed.

[2] The Appellant, R. R., isn't eligible for an increase to her combined survivor and disability benefit. This decision explains why I am dismissing the appeal.

## **Overview**

[3] The Appellant has been in receipt of a CPP disability benefit since 2004. When her husband passed away on December 4, 2021, she applied for a survivor benefit. The survivor benefit was granted. However, when this occurred the Appellant experienced a resulting reduction to her disability benefit.

[4] The Appellant says that she has been provided a flat rate benefit of \$1013.75. She says that she would like the maximum amount allowed for under the CPP because of financial hardship.

[5] The Appellant told me that she has had financial difficulties since the Ontario provincial government forced the sale of her house. The result was a home valued at \$600,000 that was sold for \$85,000. She told me that she purchased a new house but if she cannot make the payments on her home she will lose it.

[6] The Appellant also told me that her daughter has helped to pay for the house but that she is currently fighting cancer. This has left her in a difficult situation. She has been forced to return to work while under cancer treatment to help assist her mother in paying for her mortgage.

[7] The Minister says that the Appellant's combined survivor and disability benefit was calculated correctly and in accordance with the CPP.

## **What the Appellant must prove**

[8] For the Appellant to succeed, she must prove her benefit was not calculated correctly.

## **Matters I have to consider first**

### **Financial hardship is not a determining factor when assessing eligibility for CPP benefits**

[9] The Appellant raised a financial hardship argument in her hearing. She told me that she may lose her home if she is not provided with an increased benefit payment. However, socio-economic factors are not relevant in a determination of whether an Appellant is disabled within the meaning of the CPP.<sup>1</sup>

[10] I sympathize with the Appellant. She presented as a genuine person who has experienced significant difficulties in her personal life. But I am bound by the legislation. As a Tribunal Member, I am required to apply the provisions as they are set out in the CPP. The CPP does not allow me to make exceptions to the legislation even for financial hardship.

## **Reasons for my decision**

### **The Minister correctly calculated the Appellant's entitlement**

[11] The CPP sets out how to calculate a combined disability and survivor pension.<sup>2</sup> The Minister set out its calculation in a letter dated September 14, 2022.<sup>3</sup> In addition to including the benefit payable, the Minister also included the formula used to calculate the combined pension.

[12] The Minister advised the Appellant that the combined rate was \$1013.75 and that this combined rate consisted of a survivor benefit portion of \$534.74 and a disability benefit portion of \$479.01.<sup>4</sup>

[13] I have reviewed the calculation and see no error in how the Minister arrived at the combined rate. Absent any such error, and as set out above, I am unable to interfere with the Minister's calculation.

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<sup>1</sup> *Canada (MHRD) v. Rice*, 2002 FCA 47

<sup>2</sup> Section 58(6) Canada Pension Plan

<sup>3</sup> GD2-18

<sup>4</sup> GD2-20

[14] While I appreciate the Appellant will not be happy with this decision. I can say that the Minister acted in accordance with the law and that is what the Minister must do.

## **Conclusion**

[15] I find that the Appellant isn't eligible for a greater combined CPP disability and survivor benefit.

[16] This means the appeal is dismissed.

Adam Picotte  
Member, General Division – Income Security Section