



Citation: *ZP v Minister of Employment and Social Development*, 2023 SST 294

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

## Decision

**Appellant:** Z. P.

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

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated September 27, 2022  
(issued by Service Canada)

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**Tribunal member:** Virginia Saunders

**Type of hearing:** Teleconference

**Hearing date:** March 22, 2023

**Hearing participants:** Appellant

**Decision date:** March 27, 2023

**File number:** GP-22-1986

## Decision

[1] The appeal is dismissed.

[2] The Appellant, Z. P., isn't eligible for a Canada Pension Plan (CPP) disability pension. This decision explains why I am dismissing the appeal.

## Overview

[3] The Appellant used to work as a liquor store cashier. She stopped in October 2021, because of limitations caused by sacroiliitis. She couldn't sit or stand for more than a few minutes, and she needed help with daily activities.

[4] The Appellant applied for a CPP disability pension in August 2022. The Minister of Employment and Social Development (Minister) refused her application. The Appellant appealed the Minister's decision to the Social Security Tribunal's General Division.

## What I have to decide

[5] First, I have to decide if the Appellant made enough CPP contributions to be eligible for a CPP disability pension.

[6] If the Appellant **did** make enough contributions, I have to decide if she has a severe and prolonged disability.<sup>1</sup>

## Reasons for my decision

[7] I find that the Appellant didn't make enough CPP contributions. This means that, even if she has a severe and prolonged disability, she isn't eligible for a CPP disability pension.

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<sup>1</sup> Section 42(2) of the *Canada Pension Plan* says a person is disabled if they have a severe and prolonged disability. A disability is **severe** if it makes an appellant incapable regularly of pursuing any substantially gainful occupation. A disability is **prolonged** if it is likely to be long continued and of indefinite duration, or is likely to result in death.

[8] Here are my reasons.

### **The Appellant didn't contribute enough to the CPP**

[9] To be eligible for a CPP disability pension, the Appellant must have contributed to the CPP for at least four years in a six-year period. This is called the "minimum qualifying period."<sup>2</sup>

[10] The Appellant didn't contribute to the CPP in four years. She only contributed in three years. Her Record of Earnings shows she contributed in 2017, 2020, and 2021.<sup>3</sup>

[11] The Record of Earnings shows the Appellant also contributed in 2016. However, her earnings that year were below the basic exemption for disability, so her contribution was refunded to her and didn't count.<sup>4</sup>

### **I have to follow the law**

[12] I recognize that the Appellant has medical and financial issues. But I have to follow the law. This means I can't make a decision because I want to help her in difficult circumstances. I can't ignore the contribution requirements for receiving a CPP disability pension.

### **Conclusion**

[13] I find that the Appellant didn't make enough CPP contributions to be eligible for a CPP disability pension.

[14] This means the appeal is dismissed.

Virginia Saunders

Member, General Division – Income Security Section

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<sup>2</sup> See sections 44(1)(b) and 44(2) of the *Canada Pension Plan*. An appellant who has contributed to the CPP for more than 25 years only needs three years of contributions in the six year period. That rule doesn't apply to the Appellant, because she didn't contribute for 25 years.

<sup>3</sup> See GD2-41.

<sup>4</sup> In 2016, the basic exemption for disability was \$5400.00.