



Citation: *Minister of Employment and Social Development v AB*, 2023 SST 945

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: Minister of Employment and Social Development
Representative: Sandra Doucette

Respondent: A. B.
Representative: A. H.

Decision under appeal: General Division decision dated December 14, 2022
(GP-21-1787)

Tribunal member: Neil Nawaz

Type of hearing: In writing
Decision date: July 20, 2023
File number: AD-23-298

Decision

[1] The appeal is allowed in accordance with an agreement reached between the parties.

Overview

[2] A. B. is a 30-year-old former law enforcement student. On October 30, 2017, she was struck by a truck while crossing the street. Among other injuries, she broke her wrist, for which she underwent fixative surgery. However, she soon developed complex regional pain syndrome and post-traumatic stress disorder. She hasn't returned to school or taken employment since the accident.

[3] On June 10, 2020, A. B. applied for a CPP disability pension. The Minister of Employment and Social Development refused the application. A. B. appealed that refusal to the Social Security Tribunal's General Division, which allowed the appeal. It found that she had a severe and prolonged disability before the end of her minimum qualifying period (MQP), which ended on December 31, 2017.¹

[4] The Minister then asked the Appeal Division for permission to appeal, alleging that the General Division had made various errors in arriving at its decision. In March, one of my colleagues on the Appeal Division granted the Minister's request.

[5] At the Minister's request, I held a settlement conference, where the parties reached an agreement.² They have asked me to prepare a decision that reflects that agreement.

Agreement

[6] The Minister's representative read following statement into the record:

Chronic regional pain syndrome and post-traumatic stress disorder were identified in A. B.'s case on November 16, 2017,

¹ An MQP is established by working and contributing to the CPP. It is the period in which a contributor had coverage for the CPP disability pension. A contributor who applies for the pension must show that they became disabled during the coverage period and remained so afterwards.

² Refer to the recording of the settlement conference held on July 19, 2023.

and November 27, 2017, respectively, both in advance of the end of the minimum qualifying period ending December 31, 2017. Chronic regional pain syndrome and post-traumatic stress disorder are distinct conditions from the right wrist fracture which A. B. sustained on October 30, 2017. On that date, A. B. was a pedestrian and while crossing the street she was struck by a motor vehicle. A. B.'s wrist was fractured two months before the end of her MQP and as such did not resolve by that date. A. B.'s medical conditions arising from the date of her accident continue to cause disabling symptoms. To date, she has been unable to work in her functional limitations. A. B. therefore meets the conditions of severe and prolonged under the Canada Pension Plan by the end of her MQP. A. B.'s disability application was made in June 2020. Therefore, she is disabled in March 2019, with an effective date of her disability payments beginning July 2019.

[7] A. B. and her legal representative expressed their agreement with this statement.

Conclusion

[8] I hereby allow the appeal in accordance with the parties' agreement.



Member, Appeal Division