



Citation: *VW v Minister of Employment and Social Development*, 2023 SST 1393

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: V. W.

Respondent: Minister of Employment and Social Development
Representative: Joshua Toews

Decision under appeal: General Division decision dated April 4, 2023
(GP-22-122)

Tribunal member: Neil Nawaz

Type of hearing: On the record

Decision date: October 23, 2023

File number: AD-23-564

Decision

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

Overview

[2] The Appellant is a 58-year-old former customs brokerage clerk and first aid instructor. She has a history of osteoarthritis, post-traumatic stress disorder, and depression and anxiety. She has not worked since February 2020.

[3] In September 2020, the Appellant applied for a Canada Pension Plan (CPP) disability pension. The Minister of Employment and Social Development refused the application after determining that the Appellant did not have a severe and prolonged disability before the end of her minimum qualifying period (MQP), which ended on December 31, 2019, or during her prorated period, which extended from January 1, 2020 to March 31, 2020,¹

[4] The Appellant appealed the Minister's refusal to the Social Security Tribunal's General Division. It held a hearing by videoconference and dismissed the appeal. It found, among other things, that the Appellant had not taken all reasonable steps to seek treatment.

[5] The Appellant then asked the Appeal Division for permission to appeal, alleging that the General Division had made various errors in arriving at its decision. Earlier this year, one of my colleagues on the Appeal Division allowed the Appellant's appeal to proceed.

[6] At the Minister's request, I held a settlement conference. At the conference, the parties reached an agreement, and they have asked me to prepare a decision that reflects that agreement.

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. The Appellant also had a brief period of additional coverage under section 44(2.1) of the CPP. Under this so-called "proration provision," the Appellant would have had to show that she became disabled during the first three months of 2020.

Agreement

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

The Minister is prepared to concede the Appellant became disabled in February 2020, when she stopped working. The Minister is prepared to accept that the Appellant had all of the conditions that are described in her psychologist's letter, found at GD4-106, and that these mental health conditions made her incapable of working in any substantially gainful occupation starting in February 2020.²

[8] The Appellant expressed her agreement with this statement.

Conclusion

[9] I hereby allow the appeal in accordance with the parties' agreement. The effective start date of the Appellant's CPP disability pension is June 2020.³



Member, Appeal Division

² Refer to recording of settlement conference held on October 20, 2023.

³ According to section 69 of the *Canada Pension Plan*, payments start four months after the date of disability.