



Citation: *KM v Minister of Employment and Social Development*, 2023 SST 1332

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: K. M.
Representative: Y. M.

Respondent: Minister of Employment and Social Development
Representative: Yanick Bélanger

Decision under appeal: General Division decision dated May 25, 2023
(GP-22-1711)

Tribunal member: Kate Sellar

Type of hearing: In Writing

Decision date: **October 4, 2023**

File number: AD-23-700

Decision

[1] I'm allowing the Claimant's appeal. The Claimant is entitled to a *Canada Pension Plan* (CPP) disability pension. Payments start September 2020. These are the reasons for my decision.

Overview

[2] K. M. (Claimant) applied for a CPP disability pension in July 2021. The Minister of Employment and Social Development (Minister) refused her application initially and on reconsideration. She appealed to this Tribunal.

[3] The General Division dismissed her appeal. The General Division decided that the Claimant didn't prove she had a severe disability within the meaning of the CPP on or before the end of her coverage period (her coverage period ended on December 31, 2022).

[4] I gave the Claimant permission to appeal the General Division's decision.

The parties agree on the outcome of the appeal

[5] The parties have asked for a decision based on an agreement they reached at a settlement conference on October 4, 2023.¹

[6] The parties agreed on the following:

- The Appeal Division should allow the Claimant's appeal.
- The Claimant has a severe and prolonged disability within the meaning of section 42(2) of the CPP.
- The Claimant's disability became severe and prolonged within the meaning of the CPP when she stopped working (so May 2020 is the date of onset and is

¹ See section 39(2) of the *Social Security Tribunal Rules of Procedure*.

within her coverage period, which ended December 2022). According to section 69 of the CPP, payments start 4 months later effective September 2020.

I accept the proposed outcome

[7] I accept the parties' agreement. The Claimant has IBS, Crohn's disease, MS, depression, fibromyalgia, and myofascial pain syndrome. Considered together, the Claimant's conditions result in many functional limitations that are well documented in her medical file.

[8] I'm satisfied that these functional limitations mean that she is incapable regularly of pursuing any substantially gainful work, so her condition is severe within the meaning of the CPP.

[9] Her disability is also prolonged within the meaning of the CPP – it is long-continued and of indefinite duration. She has not refused any treatments unreasonably.

[10] Consistent with the parties' agreement, the Claimant's disability became severe and prolonged when she stopped working, so her CPP disability pension payments start September 2020.

Conclusion

[11] I allowed the Claimant's appeal. The Claimant is entitled to the CPP disability pension. Payments start September 2020.

Kate Sellar
Member, Appeal Division