



Citation: *MB v Minister of Employment and Social Development*, 2024 SST 359

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

## Decision

**Appellant:** M. B.

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

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated February 17, 2023 (issued  
by Service Canada)

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**Tribunal member:** Jackie Laidlaw

**Type of hearing:** Teleconference

**Hearing date:** April 9, 2024

**Hearing participants:** Appellant

**Decision date:** April 10, 2024

**File number:** GP-23-863

## Decision

[1] The appeal is dismissed.

[2] This decision explains why I am dismissing the appeal.

## Overview

[3] The Appellant was in receipt of a CPP disability benefit for 15 years until age 65. She then began receiving a CPP retirement pension on August 1, 2022. The Appellant had also been in receipt of a CPP survivor's pension. The survivor's pension was added to her retirement pension at age 65. This is referred to here as the "Combined Benefit". The Appellant is disputing the calculation of the amount of the Combined Benefit.

## Reasons for my decision

[4] The Appellant and I had a conversation regarding the disability benefit ceasing at age 65 and being replaced by the retirement benefit. I explained the reasoning behind that, being the disability benefit is for people who were unable to work until they reach the age of retirement. The age of retirement in this case is considered age 65, when a person is eligible for the retirement benefit. The Appellant understood and accepted this explanation of why she was not continuing to receive the disability benefit, despite still being disabled.

[5] The Appellant is still receiving a portion of the survivor's pension. She is also in receipt of her full retirement pension. The Appellant is not disputing the full amount of her retirement pension, or the full amount of the survivor's pension.

[6] The Appellant is disputing the calculation of the Combined Benefit, specifically the calculation of 40% of the 60% of the survivor's pension.<sup>1</sup> Because she is disputing the Combined Benefit calculation, she is also disputing the amount of the Combined Benefit.

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<sup>1</sup> See section 58(2)(c)(i) of the *Canada Pension Plan Act*.

[7] The basis for why parliament chose the formula used for a Combined Benefit is not set out in the legislation. The formula to determine the amount of the Combined Benefit is legislated. I cannot alter the legislation and therefore the formula.

[8] I have reviewed the calculation for the Combined Benefit and it appears that the Minister has followed the legislation in arriving at the Appellant's amount of the Combined Benefit.

## **Conclusion**

[9] I find that the Appellant's Combined Benefit is calculated according to the legislation.

[10] This means the appeal is dismissed.

Jackie Laidlaw  
Member, General Division – Income Security Section