



Citation: *MZ v Minister of Employment and Social Development*, 2024 SST 438

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

## Decision

**Appellant:** M. Z.

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

---

**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated August 1, 2023 (issued by  
Service Canada)

---

**Tribunal member:** Connie Dyck

**Type of hearing:** Teleconference

**Hearing date:** February 29, 2024

**Hearing participant:** Appellant

**Decision date:** February 29, 2024

**File number:** GP-23-1661

## Decision

[1] The appeal is dismissed.

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

## Overview

[3] The Appellant applied for a CPP disability pension in December 2022.<sup>1</sup> The Minister of Employment and Social Development (Minister) refused his application. The Appellant appealed the Minister's decision to the Social Security Tribunal's General Division.

[4] The Appellant says some of the hours he worked for his employer, were not credited to him. He asked the Minister to consider these additional employment factors and matters beyond his control in his employment earnings.<sup>2</sup>

[5] The Minister says the Appellant doesn't have enough years of valid earnings and CPP contributions to be eligible for the CPP disability benefit.

## What the Appellant must prove

[6] In order to qualify for a disability benefit under the Canada Pension Plan, he must satisfy the following three requirements simultaneously:

- i) Has not reached the age of 65;<sup>3</sup>
- ii) The person must have made valid contributions to the CPP for the minimum qualifying period;<sup>4</sup> and
- iii) Be determined to be disabled within the meaning of the CPP.<sup>5</sup>

---

<sup>1</sup> GD2-233

<sup>2</sup> GD7-2

<sup>3</sup> Paragraph 44(1)(b) of the CPP

<sup>4</sup> Subparagraph 44(1)(b)(i) of the CPP

<sup>5</sup> Paragraph 42(2)(a) of the CPP

[7] The Appellant meets the first requirement. He is under age 65.

[8] Only if he meets the second requirement and can establish an MQP, can decide if he has a disability that was severe and prolonged by his MQP. A minimum qualifying period (MQP) is the date by which the Appellant must be disabled. This date is based on his CPP contributions.<sup>6</sup>

## Reasons for my decision

[9] I find the Appellant doesn't meet the contributory requirements to establish an MQP.

### – What the law says about contributory requirements

[10] For contributors who apply in or after March 2008, they may meet the contributory requirements if they have made contributions in at least 25 calendar years of which at least three are in the last six years.<sup>7</sup> In this case, the Appellant hasn't made contributions in at least 25 calendar years.

[11] Because the Appellant has made contributions in less than 25 calendar years, to meet the contributory requirements to qualify for a disability benefit, he must have made valid contributions to the CPP in at least four of the last six calendar years.<sup>8</sup>

[12] The contributions made to the CPP are on earnings that are equal to or greater than the basic exemption of the contributor. The Year's Basic Exemption (YBE) since January 1, 1998, is generally frozen at \$3,500;<sup>9</sup> however, this does not apply for disability cases.<sup>10</sup> For earnings to be considered valid for CPP disability cases from 1998 onward, the unadjusted pensionable earnings (UPE) must be equal to or exceed

---

<sup>6</sup> Service Canada uses an appellant's years of CPP contributions to calculate their coverage period, or "minimum qualifying period" (MQP). The end of the coverage period is called the MQP date. See section 44(2) of the *Canada Pension Plan*. The Appellant's CPP contributions are on GD2-7.

<sup>7</sup> Subparagraph 44(2)(a)(i.1) of the *Canada Pension Plan*.

<sup>8</sup> Subparagraph 44(2)(a)(i) of the *Canada Pension Plan*.

<sup>9</sup> Subsection 20(2) of the *Canada Pension Plan*.

<sup>10</sup> Subsection 44(2)(a) of the *Canada Pension Plan*.

10% of the Year's Maximum Pensionable Earnings (YMPE). This is called the Disability Basic Exemption (DBE).

[13] Pursuant to the late applicant provision,<sup>11</sup> applicants who do not meet the contributory requirements at the time of application may qualify for a disability pension if they can establish that they were disabled within the meaning of the Plan at an earlier time when they last met the contributory requirements and continue to be so disabled. But the Appellant doesn't meet the requirements of having valid contributions in at least four of the last six calendar years to qualify as a late applicant.

### **The Appellant doesn't meet the contribution requirements**

[14] The Appellant only has valid contributions to the CPP in three years of the last six years. These are 2004, 2005 and 2006.<sup>12</sup> As explained above, he needs at least four years of the valid earnings.

[15] I have considered the Appellant's written and oral submissions. However, the law requires me to rely on the Record of Earnings (ROE).<sup>13</sup> Any entry in the ROE relating to the earnings or a contribution of a contributor is presumed to be accurate and may not be called into question after four years have elapsed from the end of the year in which the entry was made.<sup>14</sup>

[16] I have to accept the information that comes from the Canada Revenue Agency.

[17] Whether the Appellant in fact made contributions for years not recognized on ROE is not an issue I can decide.

[18] Contributions to the CPP are dealt with under Part I of the CPP legislation, and section 5 of the CPP legislation makes it clear that the Minister responsible for overseeing contributions to the CPP is the Minister of National Revenue. The Appellant

---

<sup>11</sup> Subparagraph 44(1)(b)(ii) of the *Canada Pension Plan*

<sup>12</sup> GD2-7

<sup>13</sup> *Walters v. MEI*, [1996] F.C.J. No. 176; *MSD v. Menard* (July 14, 2006), CP 22041 (PAB)

<sup>14</sup> Section 97(1) *Canada Pension Plan*

said he didn't contact Canada Revenue Agency to discuss any discrepancy regarding his earnings.

### **Other arguments of the Appellant**

[19] At the hearing, the Appellant raised other arguments which I will address here.

[20] The Appellant said that a decision by the Appeal Division of the Social Security Tribunal was similar to his situation.<sup>15</sup> He said he also made efforts to work and retrain. These efforts weren't successful because of his disability. In this decision, the Appeal Division found the General Division didn't make an error under the *Department of Employment and Social Development Act* (DESDA). The General Division made a finding on whether the appellant in its case had work capacity for suitable work or retraining. I can't make a decision on whether the Appellant has work capacity or whether he is disabled, unless he meets the eligibility requirements.

[21] The Appellant also argued that a telephone call he had with a representative of the Minister was misleading. He understood that if made attempts to return to work, he should inform the Minister. However, he now believes that this meant even if the attempt was unsuccessful. Again, this situation doesn't impact the outcome of this case. As mentioned above, I must first decide if the Appellant is eligible for the disability pension before I can consider any work attempts. When deciding his eligibility, I am bound by the Record of Earnings.

[22] The third argument raised by the Appellant is regarding an information sheet provided by the Minister to the Appellant.<sup>16</sup>

[23] The information sheet is entitled "Special Provisions to Help People Qualify". There is a paragraph titled "Missing CPP earnings and contributions". This paragraph says:

---

<sup>15</sup> The decision is *E.M. v. Minister of Employment and Social Development* – 2018 SST 703 – Appeal Division (Ref # AD-17-369). The Appellant refers to Issue #6.

<sup>16</sup> GD2-11.

If you have any information about additional earnings and contributions that may help you qualify, please provide us the information so that we can update your CPP record of contributions. For example, a copy of a T4 slip, a letter from your employer, a notice of assessment or reassessment from Canada Revenue Agency, or a T1 General tax return.

[24] The Appellant said this is exactly what he did in a letter of December 2022.<sup>17</sup> But the Minister still maintained its decision on reconsideration.

[25] If the Appellant believes he was given wrong advice or there was an administrative error by the Minister, he must ask the Minister to investigate this. The Minister may investigate whether someone was denied a benefit because of these errors and may decide to compensate them.<sup>18</sup>

[26] The Tribunal does not have control over that process. It only has the powers given to it by legislation.

## **Conclusion**

[27] I find that the Appellant doesn't meet the contributory requirements to establish a minimum qualifying period.

[28] This means the appeal is dismissed.

Connie Dyck

Member, General Division – Income Security Section

---

<sup>17</sup> GD2-19 to 22.

<sup>18</sup> See section 66 (4) of the *Canada Pension Plan*.