



Citation: *LH v Minister of Employment and Social Development*, 2025 SST 350

Social Security Tribunal of Canada

Appeal Division

Decision

Appellant: L. H.

Respondent: Minister of Employment and Social Development
Representative: Daniel Crolla

Decision under appeal: General Division decision dated October 4, 2023
(GP-22-1238)

Tribunal member: Pierre Vanderhout

Type of hearing: In Writing

Decision date: April 10, 2025

File number: AD-23-1114

Decision

[1] The appeal is allowed. The Appellant is entitled to a Canada Pension Plan (CPP) disability pension. Her payments start as of September 2020. However, she reached age 65 on April 6, 2025. This means she is not entitled to further CPP disability pension payments as of that date.

Overview

[2] I will refer to the Appellant, L. H., as the “Claimant” in this decision. I will refer to the Respondent, the Minister of Employment and Social Development, as the “Minister.”

[3] The Claimant applied for a CPP disability pension in August 2021.¹ She said she was no longer able to work as of January 2019. She said her main medical conditions were recurrent depression and a severe level of anxiety and panic attacks.² The Minister denied her claim initially and on reconsideration.

[4] The Claimant appealed the reconsideration decision to the General Division of the Social Security Tribunal (Tribunal). On October 4, 2023, the General Division dismissed the Claimant’s appeal. She then appealed to the Tribunal’s Appeal Division. She also filed new evidence from Dr. Lizon (psychiatrist).

[5] I must decide whether the Claimant had a severe and prolonged disability by December 31, 2024. This date is the end of her minimum qualifying period (MQP).

[6] I find that the Claimant had a severe and prolonged disability as of May 2020. As a result, her appeal is allowed. My reasons for this decision follow.

Issues

[7] The issues in this appeal are:

- a) Did the Claimant have a severe and prolonged disability by the end of 2024?

¹ See GD2-22.

² See GD2-25.

- b) If the Claimant's disability is severe and prolonged, what is the start date of the Claimant's CPP disability pension?

Analysis

[8] For the Claimant to succeed, she must prove she had a disability that was severe and prolonged by December 31, 2024.³ This date is based on her CPP contributions.

[9] The Canada Pension Plan defines “severe” and “prolonged.”

[10] A disability is **severe** if it makes a person incapable regularly of pursuing any substantially gainful occupation.⁴

[11] A disability is **prolonged** if it is likely to be long continued and of indefinite duration, or is likely to result in death.⁵

Did the Claimant have a severe and prolonged disability by the end of 2024?

[12] For the reasons set out below, I find that the Claimant had a severe and prolonged disability by the end of 2024.

[13] My analysis for this issue considers that the Minister filed a concession in this appeal. I will first briefly review the Claimant's submissions.

– The Claimant's submissions

[14] At the Appeal Division, the Claimant maintained that she was disabled due to major depression and severe anxiety and panic attacks.⁶ She said she had not worked

³ Service Canada uses a person's years of CPP contributions to calculate her 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 Claimant's CPP contributions are at GD6-9, GD6-10, and AD18-2.

⁴ See section 42(2)(a) of the *Canada Pension Plan*.

⁵ See section 42(2)(a) of the *Canada Pension Plan*.

⁶ See AD1-5.

since January 6, 2019.⁷ She has repeatedly relied on the medical reports from Dr. Lizon.⁸

– **The Minister’s concession**

[15] On April 3, 2025, the Minister filed a concession in this matter.⁹ I will call this the “Concession.”

[16] In the Concession, the Minister accepted that the Claimant’s chronic mood disorder, recurrent depression, and chronic anxiety caused functional limitations. These limitations left her incapable of securing and maintaining any gainful employment.¹⁰

[17] In the Concession, the Minister accepted that the Claimant’s disability was both severe and prolonged as of May 2020. That was 15 months before her application date of August 2021. 15 months is the maximum retroactive period allowed under the CPP.¹¹

– **My conclusion on the issue of disability**

[18] Given the Concession and my review of the evidence, the Claimant met the legal test for a CPP disability pension by May 2020.

[19] The following statements from Dr. Lizon help persuade me that the Claimant had a severe disability by May 2020 that continued through her 65th birthday on April 6, 2025:

- In April 2019, the Claimant had recurrent episodes of generalized depression and anxiety. She had to be on medical leave from work.¹²
- In April 2021, the Claimant had severe recurrent depression. She also had a severe level of anxiety and panic attacks. She was totally disabled from going back to her job or to any occupation.¹³

⁷ See AD13-2, AD17-5, and AD17-6.

⁸ See, for example, GD2-19 and AD28-1.

⁹ See AD30-1.

¹⁰ See AD30-1.

¹¹ See AD30-1 and section 42(2)(b) of the *Canada Pension Plan*.

¹² See GD2-72.

¹³ See GD2-67 to GD2-68.

- In July 2023, the Claimant had recurrent depression. She also had a high level of anxiety and panic attacks. She was totally disabled from going back to her job or to any occupation.¹⁴
- In March 2024, the Claimant had a chronic mood disorder with chronic anxiety and panic attacks. These disorders were severe. They left her totally incapable of pursuing her occupation or any other occupation.¹⁵
- In January 2025, the Claimant had a chronic mood disorder with chronic anxiety and panic attacks. This condition presented suddenly and made her incapable of normal functioning.¹⁶

[20] I accept that the Claimant has been unable to do any work since May 2020. This conclusion is also consistent with the other medical evidence. For example, in August 2021, Dr. Dafe (family doctor) completed a medical form for CPP disability purposes. Dr. Dafe said her main medical condition was recurrent depression and anxiety. He recommended that she stop working in January 2019. Dr. Dafe did not know if she would ever return to any type of work.¹⁷

[21] The Claimant did not work for more than six years leading up to her 65th birthday. Her doctors described her condition as both recurrent and chronic. As a result, I am also satisfied that her disability was long continued and of indefinite duration. This means her disability was also prolonged.

What is the start date of the Claimant's CPP disability pension?

[22] The Claimant has had a severe and prolonged disability since at least May 2020. However, it is not relevant if she had such a disability before then. This is because the *Canada Pension Plan* says a person cannot be considered disabled more than 15

¹⁴ See GD5-2.

¹⁵ See AD6-2.

¹⁶ See AD28-2.

¹⁷ See GD2-100 and GD2-103

months before the Minister receives their disability pension application.¹⁸ After that, a four-month waiting period must pass before payments start.¹⁹

[23] The Minister received the Claimant's application in August 2021. This means she is considered to have become disabled in May 2020. As a result, her pension payments start as of September 2020. Her payments could not possibly start before then, even if she were disabled before May 2020.

[24] The Claimant reached age 65 on April 6, 2025. The CPP disability pension can only be paid to a person who is less than 65 years old. This means that the Claimant cannot receive further payments as of April 6, 2025.²⁰

Conclusion

[25] The appeal is allowed. The Claimant is entitled to a CPP disability pension. The payments begin as of September 2020. The payments cease as of her 65th birthday on April 6, 2025.

Pierre Vanderhout
Member, Appeal Division

¹⁸ See section 42(2)(b) of the *Canada Pension Plan*.

¹⁹ See section 69 of the *Canada Pension Plan*. This means that payments cannot start more than 11 months before the application date.

²⁰ See section 44(1)(b) of the *Canada Pension Plan*.