



Citation: *GB v Minister of Employment and Social Development*, 2025 SST 798

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

**Decision**

**Appellant:** G. B.  
**Representative:** O. B.  
**Respondent:** Minister of Employment and Social Development

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated October 24, 2023 (issued  
by Service Canada)

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**Tribunal member:** Wayne van der Meide  
**Type of hearing:** In person  
**Hearing date:** July 30, 2025  
**Hearing participants:** Appellant  
Appellant's representative  
**Decision date:** August 1, 2025  
**File number:** GP-23-2079

## **Decision**

[1] The appeal is dismissed.

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

## **Overview**

[3] The Appellant was diagnosed and treated for atrial fibrillation (rapid and irregular heart rhythm) starting in February 2020. On October 25, 2021, the Appellant had a stroke days after he had heart surgery. Since his stroke he has had significant limitations.

[4] The Appellant applied for a CPP disability pension on February 1, 2022. 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.

[5] The Appellant says he worked and contributed to the Albanian social security plan and to the Canada Pension Plan for many years. He says he has been unable to work since February 2020. He says he needs a disability pension, and it isn't fair that he isn't getting one because he became disabled after December 31, 2019.

[6] The Minister says the evidence indicates that the Appellant's condition only significantly deteriorated after his stroke in October 2021. The Minister says it doesn't matter if the Appellant's conditions deteriorated after December 31, 2019.

## **What the Appellant must prove**

[7] For the Appellant to succeed, he must prove he has a disability that was severe and prolonged by December 31, 2019. In other words, no later than December 31,

2019. This date is the end of the Appellant's minimum qualifying period.<sup>1</sup> I will explain below how I calculated the end of the Appellant's minimum qualifying period.

[8] The Canada Pension Plan defines "severe" and "prolonged."

[9] A disability is severe if it makes an appellant incapable regularly of pursuing any substantially gainful occupation.

[10] This means I have to look at all of the Appellant's medical conditions together to see what effect they have on his ability to work. I also have to look at his background (including his age, level of education, and past work and life experience). This is so I can get a realistic or "real world" picture of whether his disability is severe. If the Appellant is capable regularly of doing some kind of work that he could earn a living from, then he isn't entitled to a disability pension.

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

[12] This means the Appellant's disability can't have an expected recovery date. The disability must be expected to keep the Appellant out of the workforce for a long time.

[13] The Appellant has to prove he had a severe and prolonged disability by December 31, 2019. He has to prove this on a balance of probabilities. This means he has to show it is more likely than not that he was disabled by December 31, 2019.

## **Reasons for my decision**

[14] I find that the Appellant hasn't proven he had a severe and prolonged disability by December 31, 2019.

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<sup>1</sup> See section 44(2) of the *Canada Pension Plan*.

## **When the Appellant's minimum qualifying period ended**

[15] The end of a person's minimum qualifying period is based on their CPP contributions.<sup>2</sup> There are rules about how contributions, or the lack of contributions, are used to determine the end of someone's minimum qualifying period.

[16] I will now explain how the child rearing provision and an international social security agreement between Canada and Albania affect how the end of the Appellant's minimum qualifying period is calculated.

## **January 2010 to December 2017 is excluded from the Appellant's contributory period because of the child rearing provision**

### **- The child rearing provision**

[17] In some years, a person may not be able to contribute as much to the CPP as they normally would. This can mean they aren't eligible for a benefit, or they get less of a benefit.

[18] In some cases, the CPP has special rules for people who may not be able to contribute. One set of rules is for people who don't contribute, or contribute less, because they are taking care of young children. This is called the child rearing provision.

### **- How the child rearing provision works**

[19] The child rearing provision removes certain months from a person's contributory period.<sup>3</sup> Removing months from a contributory period may help a person qualify for a CPP benefit or receive a higher CPP benefit. For example, it may result in the person having a later minimum qualifying period.

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<sup>2</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 GD2-6.

<sup>3</sup> See sections 48(2)(a) and 49(d) of the *Canada Pension Plan*.

[20] The child rearing provision only applies to a child before they turn seven years old.<sup>4</sup>

- **How the child rearing provision works in this case**

[21] The Appellant's children were born on October 16, 2009, and July 10, 2011. He met the definition of a "family allowance recipient."<sup>5</sup> That means that the period from January 2010 to December 2017 is excluded from the Appellant's contributory period because of the child rearing provision.

**The Appellant has eight years of creditable periods under a social security agreement with Albania**

[22] The Appellant says that he worked in Albania for 12 years, from 1988 to 2000. This is important because Canada has a social security agreement with Albania. A social security agreement can help someone qualify for Canadian benefits by counting the periods when they contributed to another country's social security plan as periods when they contributed to the CPP. This may help someone meet the minimum eligibility criteria for CPP benefits.

[23] According to the agreement with Albania, if someone contributes **at least 90 days** to the Albanian social security plan in a year, they are credited with one year of contributions to the CPP.<sup>6</sup>

[24] The evidence shows that the Appellant earned creditable years in Albania for the years 1989 to 1996.<sup>7</sup> He **didn't** make the minimum 90 days of contributions in 1988 or 1997 to 2000.

**How I calculated the end of the Appellant's minimum qualifying period**

[25] Because the Appellant has a total of 20 years of contributions, his minimum qualifying period ends the last time he made contributions in four out of six years. The

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<sup>4</sup> See section 42(1) of the *Canada Pension Plan*.

<sup>5</sup> See section 42(1) of the *Canada Pension Plan* and GD10.

<sup>6</sup> See Article 12(2)(b) of the *Agreement on Social Security between Canada and the Republic of Albania*.

<sup>7</sup> See GD12-8 to GD12-12.

table below summarizes how I calculated the end of the Appellant's minimum qualifying period:

Year	Contributions	Total years of contributions	Calculation of end of minimum qualifying period (4 out of 6 years)
1989	Valid contributions in Albania	1	
1990	Valid contributions in Albania	2	
1991	Valid contributions in Albania	3	
1992	Valid contributions in Albania	4	
1993	Valid contributions in Albania	5	
1994	Valid contributions in Albania	6	
1995	Valid contributions in Albania	7	
1996	Valid contributions in Albania	8	
1997			
1998			
1999			
2000	Valid contributions to CPP	9	
2001	Valid contributions to CPP	10	
2002	Valid contributions to CPP	11	
2003	Valid contributions to CPP	12	
2004	Valid contributions to CPP	13	
2005	Valid contributions to CPP	14	
2006	Valid contributions to CPP	15	
2007	Valid contributions to CPP	16	
2008	Valid contributions to CPP	17	1
2009	Valid contributions to CPP	18	2
2010	Valid contributions to CPP	19	3
2011	Valid contributions to CPP	20	4
2012	Child rearing provision		
2013	Child rearing provision		
2014	Child rearing provision		
2015	Child rearing provision		
2016	Child rearing provision		
2017	Child rearing provision		
2018			5
<b>2019</b>	<b>End of minimum qualifying period</b>		<b>6</b>

## **Was the Appellant's disability severe by December 31, 2019?**

[26] The Appellant's disability wasn't severe by December 31, 2019. I reached this finding by considering several factors. I explain these factors below.

### **– The Appellant's functional limitations didn't affect his ability to work until after December 31, 2019**

[27] The Appellant was diagnosed with atrial fibrillation (irregular and fast hearth rhythm) in February 2020 and had heart surgery and then a stroke in October 2021.

[28] However, I can't focus on the Appellant's diagnoses.<sup>8</sup> Instead, I must focus on whether he has functional limitations that got in the way of him earning a living.<sup>9</sup> When I do this, I have to look at **all** of the Appellant's medical conditions (not just the main one) and think about how they affected his ability to work.<sup>10</sup>

[29] I find that the Appellant didn't have functional limitations that affected his ability to work by December 31, 2019.

### **– What the Appellant's wife says about his functional limitations**

[30] The Appellant wasn't able to testify at the hearing. His wife testified. She told me that she made a mistake in the application. She says that she should have said that the Appellant hasn't been able to work since February 2020, not October 2021. She said that after his heart problems were first identified in February 2020, the Appellant was told he needed to take it easy and couldn't tolerate stress. She said no employer would hire him while he was waiting for heart surgery.

### **– What the medical evidence says about the Appellant's functional limitations by December 31, 2019**

[31] The medical evidence doesn't support that the Appellant's functional limitations affected his ability to work by December 31, 2019. This means that he hasn't proven he had a severe disability.

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<sup>8</sup> See *Ferreira v Canada (Attorney General)*, 2013 FCA 81.

<sup>9</sup> See *Klabouch v Canada (Social Development)*, 2008 FCA 33.

<sup>10</sup> See *Bungay v Canada (Attorney General)*, 2011 FCA 47.

[32] There isn't any medical evidence from the period before December 31, 2019. There is a lot of evidence about the Appellant's limitations since February 2020. That evidence shows the Appellant's limitations began **after** December 31, 2019.

[33] In February 2020 the Appellant had an irregular and rapid heart rhythm and was sent to the emergency room.<sup>11</sup> From the emergency room he was transferred to the intensive care unit where, for a few days, he was treated for complications of hypotension, decreased consciousness, congestive heart failure and irregular heart rhythm. After a couple days of treatment and recovery, Dr. Lubelsky, Cardiologist, discharged the Appellant to home with a plan for follow-up.

[34] In March 2020, Dr. Lubelsky, saw the Appellant for follow-up.<sup>12</sup> Dr. Lubelsky said that the Appellant was doing well and that testing showed improvement to his heart function but that he should get more testing done to consider surgical intervention.

[35] In the months that followed doctors reported that although the Appellant was doing well, he had certain defects to his heart that required surgery.<sup>13</sup>

[36] The Appellant had heart surgery on October 14, 2021.<sup>14</sup> Unfortunately, on October 25, 2021, he had a stroke.

[37] Dr. Lo, physiatrist, wrote a medical report in December 2021.<sup>15</sup> The doctor said that the Appellant's stroke in October 2021 caused:

- muscle weakness in his right side
- a language disorder affecting his ability to read, write, speak and understand
- limitations to his ability to move
- difficulty swallowing

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<sup>11</sup> GD2-148 and GD2-149.

<sup>12</sup> See GD2-136 and GD2-137.

<sup>13</sup> See GD2-128 to GD2-130, GD2-134, GD2-139 and GD2-140.

<sup>14</sup> See GD2-172 to GD2-176.

<sup>15</sup> See GD2-185 to GD2-193.

[38] Dr. Lo recommended that the Appellant stop working as of October 25, 2021, and said that the Appellant would never be able to work again.

– **Why I didn't consider the Appellant's personal characteristics**

[39] When I am deciding whether a disability is severe, I usually have to consider an appellant's personal characteristics. Factors like age, level of education, language abilities, and past work and life experience, may affect whether an appellant can work in the real world.<sup>16</sup>

[40] But I didn't consider the Appellant's personal characteristics. This is because an appellant can't qualify for a disability pension based on their personal characteristics alone. There must still be medical evidence to support a finding of a disability.<sup>17</sup>

[41] In the Appellant's case, there isn't any medical evidence to support a finding of disability by December 31, 2019. Since there is no relevant medical evidence, there is no reason to consider his personal characteristics.

- **The Appellant's other arguments**

[42] The Appellant says it doesn't seem fair that he isn't eligible for a CPP disability pension because he worked **and** contributed for years to the social security plan of Albania and to the CPP.

[43] I have sympathy for the Appellant. But I have to follow the law and the law is clear. He has to prove that he had a severe disability by or no later than December 31, 2019. He hasn't proven this.

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<sup>16</sup> See *Villani v Canada (Attorney General)*, 2001 FCA 248.

<sup>17</sup> Section 42(2)(a) of the *Canada Pension Plan* says that a person is disabled only if they have a severe and prolonged **mental or physical disability**. See also *Villani v Canada (Attorney General)*, 2001 FCA 248 at paragraph 50, where the Court said that "[m]edical evidence will still be needed..."

## **Conclusion**

[44] I find that the Appellant isn't eligible for a CPP disability pension because his disability wasn't severe by December 31, 2019. Because I have found that his disability wasn't severe, I didn't have to consider whether it was prolonged.

[45] This means the appeal is dismissed.

Wayne van der Meide  
Member, General Division – Income Security Section