



Citation: *JM v Minister of Employment and Social Development*, 2025 SST 1358

## **Social Security Tribunal of Canada Appeal Division**

# **Leave to Appeal Decision**

**Applicant:** J. M.

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

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**Decision under appeal:** General Division decision dated October 20, 2025  
(GP-25-268)

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**Tribunal member:** Kate Sellar

**Decision date:** **December 18, 2025**

**File number:** AD-25-800

## Decision

[1] I'm refusing to give the Claimant, J. M., leave (permission) to appeal. The appeal will not go ahead. The Claimant is still entitled to the CPP disability pension with payments beginning August 2023. These are the reasons for my decision.

## Overview

[2] The Claimant applied for a Canada Pension Plan (CPP) disability pension in July 2024. The Minister of Employment and Social Development (Minister) refused his application initially and in a reconsideration letter. The Claimant appealed to this Tribunal.

[3] The General Division allowed the Claimant's appeal, finding that the Claimant was entitled to the CPP disability pension. The General Division found that payments would start August 2023.

[4] The Claimant asked for permission to appeal the General Division's decision because he disagrees with the start date for the payments.

## Issues

[5] The issues in this appeal are:

- a) Is there an arguable case that the General Division made an error of law about the start date for the Claimant's disability pension?
- b) Does the application set out evidence that wasn't presented to the General Division that could justify giving the Claimant permission to appeal?

## I'm not giving the Claimant permission to appeal

[6] I can give the Claimant permission to appeal if the application raises an arguable case that the General Division:

- didn't follow a fair process;
- acted beyond its powers or refused to exercise those powers;
- made an error of law;
- made an error of fact; or
- made an error applying the law to the facts.<sup>1</sup>

[7] I can also give the Claimant permission to appeal if the application sets out evidence that wasn't presented to the General Division.<sup>2</sup>

[8] The Claimant hasn't raised an arguable case and hasn't set out new evidence that could justify giving permission to appeal. I'm refusing to give permission to appeal.

**There's no arguable case that the General Division made an error of law about the start date for the Claimant's disability pension.**

[9] The Claimant relies on results from Google AI and a law firm that he understands to mean that in his case, he should have received 7 more months of benefits than he received.<sup>3</sup>

[10] The Claimant argues that the General Division approved him for 24 months of pension payments, and then he should receive 11 additional retroactive months (per the information he found online) for a total of 35 months of retroactive pension payments. He notes that instead, he received payments for a total of 28 months of retroactive payments in a lump sum, which is 7 months short, by his calculation.

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<sup>1</sup> See section 58.1(a) and (b) in the *Department of Employment and Social Development Act*

<sup>2</sup> See section 58.1(c) in the Act.

<sup>3</sup> See AD1-6 and 7.

– **The General Division used the rules in the CPP to calculate the Claimant's start date for payments.**

[11] As the General Division explained, to be eligible for a disability pension, the first requirement is that the Claimant must have a disability that became severe and prolonged on or before the end of the coverage period.<sup>4</sup>

[12] The General Division found that the Claimant met that first requirement. The last day of the Claimant's coverage period was December 31, 2021. The General Division found that his disability became severe and prolonged in May 2021.<sup>5</sup>

[13] Next, the General Division had to decide when the pension payments start. There are two rules that the General Division must apply.

[14] The first rule: the earliest payments can start is 15 months before the Claimant applied (I'll call that the 15-month retroactive payment rule).<sup>6</sup> Applying the 15-month retroactive payment rule, the General Division found that the Claimant applied in July 2024, and fifteen months before that is April 2023.<sup>7</sup>

[15] The second rule: there's a four-month waiting period for payments to start (I'll call that the waiting period rule).<sup>8</sup> Applying the waiting period rule, the General Division added add four months to April 2023, which is August 2023.<sup>9</sup>

[16] Once the General Division applied both rules, it found that the Claimant's payments start in August 2023. That means he would receive 5 months of payment for 2023, a full year of payments for 2024, and 11 months of payment up to November of 2025 in a lump sum when his payments started. Then the monthly payments continue after that in December 2025.

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<sup>4</sup> See section 42(2)(a) in the *Canada Pension Plan*.

<sup>5</sup> See paragraph 15 in the General Division decision.

<sup>6</sup> See section 42(2)(b) in the *Canada Pension Plan*; and see paragraph 51 in the General Division decision.

<sup>7</sup> See paragraph 52 in the General Division decision.

<sup>8</sup> See section 69 in the *Canada Pension Plan*; and see paragraph 51 in the General Division decision.

<sup>9</sup> See paragraph 53 in the General Division decision.

[17] Sometimes online and elsewhere, people will describe the combination of the 15-month retroactive rule and the four-month waiting period rule as being a single rule that allows only 11 months of retroactive payments from the date of application. That's understandable. When you apply both rules together, you're really counting back 15 months from the application date and then counting forward 4 more months. That's the same as simply counting back 11 months from the application date.

– **There's no arguable case for an error by the General Division about the payment start date.**

[18] The Claimant hasn't raised an arguable case that the General Division made any mistake in applying the retroactive payment rule and then the waiting period rule to his appeal. I have no information to suggest that those rules don't apply, or that the General Division got the application date wrong (as the starting point for counting), or that the counting of the months of retroactive payment was incorrect.

[19] I considered closely the Claimant's argument about the mistake he thinks the General Division made about when the payments start. I think the confusion might come from the Claimant assuming first that the General Division granted him 24 months of payment, and then reasoning that he should receive an additional 11 months of retroactive payment in addition to those 24 months.<sup>10</sup> That would amount to 7 more months of retroactive payments than he actually received.

[20] However, the General Division did **not** start by awarding the Claimant 24 months of payment. In the paragraph that talks about the payment rules, the General Division ends a sentence with the number "24."<sup>11</sup> However, the number 24 is there because that's the footnote number the General Division member used. Usually footnote numbers are in "superscript" so that they are small and a little bit higher than the words on the page. The footnotes in the General Division decision aren't formatted correctly and they're the same size as the wording in the decision. This looks confusing.

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<sup>10</sup> See AD1-3 to 4, 10 to 11, 13 and 18.

<sup>11</sup> See paragraph 51 in the General Division decision, including footnote 23 and 24.

[21] To summarize, the General Division **did** give the Claimant 11 months of retroactive payment from the date of his application as the law requires. That means his payments start August 2023. The General Division did **not** start by giving the Claimant 24 months of payment to which we would add 11 additional months of retroactive payments. The “24” is just a number referencing a 24<sup>th</sup> footnote in the General Division decision. Accordingly, there’s no missing 7 months of retroactive payments as the Claimant argues.

### **The Claimant hasn’t provided any new evidence**

[22] The Claimant hasn’t provided any new evidence that would justify giving permission to appeal. The statement of account the Claimant attached reflects the General Division’s decision on payment. The Claimant was approved for 11 months of retroactive payment from when he applied. Payments started August 2023.

### **Conclusion**

[23] I’ve refused to give the Claimant permission to appeal. This means that the appeal will not proceed. The Claimant is still entitled to the CPP disability pension with payments beginning August 2023.

Kate Sellar  
Member, Appeal Division