



Citation: *AB v Minister of Employment and Social Development*, 2025 SST 1313

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: A. B.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated November 17, 2025
(GP-25-1376)

Tribunal member: Kate Sellar

Decision date: **December 9, 2025**

File number: AD-25-772

Decision

[1] I'm refusing to give the Claimant leave (permission) to appeal. The appeal will not proceed. These are the reasons for my decision.

Overview

[2] The Claimant started getting his Canada Pension Plan (CPP) retirement pension in May 2023. He applied for a CPP disability pension in February 2025. The Minister of Employment and Social Development (Minister) refused his application initially and in a reconsideration letter. He appealed to this Tribunal. The General Division dismissed his appeal.

[3] The General Division explained that the Claimant applied for a disability pension too late after starting his retirement pension. He isn't eligible for the post-retirement disability benefit (PRDB) because based on his contributions to the CPP, the last day of his coverage period is December 31, 2018. The law says that to get the PRDB, the coverage period has to end after December 31, 2018.

Issues

[4] The issues in this appeal are:

- a) Has the Claimant raised an arguable case that the General Division made any error that would justify giving the Claimant permission to appeal?
- b) Does the application set out evidence that wasn't presented to the General Division?

I'm not giving the Claimant permission to appeal

[5] 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.¹

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

[7] Since the Claimant hasn't raised an arguable case and hasn't set out new evidence, I must refuse permission to appeal.

There's no arguable case that the General Division made any error that would justify giving the Claimant permission to appeal.

[8] The Claimant argues that the General Division made an error because he was approved for a retirement pension based on his contributions to the CPP, and he has a medical condition that has only gotten worse since then.³

- **The General Division explained what the rules are for getting the disability pension and the PRDB and explained how the Claimant didn't meet them.**

[9] The General Division explained the reasons why the Claimant isn't entitled to either the disability pension or the PRDB.

[10] For the disability pension, the General Division explained the law says you can convert a retirement pension to disability pension, but only if you apply less than 15 months after the Minister starts paying the retirement pension.⁴

¹ See section 58.1(a) and (b) in the *Department of Employment and Social Development Act* (Act).

² See section 58.1(c) in the Act.

³ See AD1-5.

⁴ See paragraph 14 in the General Division decision, explaining the requirements in sections 42(2)(b), 44(1)(b), 66.1(1.1) and 70(3) of the *Canada Pension Plan*. See also section 43(1) of the *Canada Pension Plan Regulations*.

[11] The General Division explained that the Claimant started receiving retirement pension payments in May 2023, and he applied for the disability pension more than 15 months later, in February 2025.⁵

[12] For the PRDB, the General Division explained the law says to get the PRDB the Claimant must be receiving a retirement pension, be under 65 years old, have a severe and prolonged disability, and have enough valid contributions to the CPP resulting in a coverage period that ends after December 31, 2018.⁶

[13] Since the Claimant's coverage period ends on December 31, 2018, the General Division explained that the Claimant isn't eligible for the PRDB.⁷

– **The Claimant hasn't raised an arguable case for an error by the General Division.**

[14] The Claimant is correct about the facts: he did qualify for the retirement pension, and he has medical conditions now that are impacting his ability to work.

[15] However, I cannot grant the Claimant permission to appeal based on the fact that he has medical condition.

[16] The Claimant has to meet the requirements in the CPP to receive the CPP disability pension or the PRDB. The General Division explained that he applied too late for the disability pension after he started receiving the retirement pension. The Claimant hasn't made any argument about that being an incorrect statement of the law, or a mischaracterization of the facts (in terms of when he applied to convert the retirement pension into the disability pension).

⁵ See paragraph 15 in the General Division decision.

⁶ See paragraph 17 in the General Division decision and section 44(1)(h) of the *Canada Pension Plan* (CPP).

⁷ The General Division also explained that the Claimant's lower contributions in 2019 don't help him to qualify because the law says that to get the PRDB, you must have been receiving the retirement pension at the time of your prorated coverage period. The Claimant's prorated coverage period ends March 31, 2019 and the Claimant didn't start receiving the retirement pension until 2023. See paragraphs 22 to 24 in the General Division decision.

[17] Similarly, the Claimant hasn't raised any argument about how the General Division might have been wrong about his eligibility for the PRDB. Although he does have medical conditions, the law requires that his coverage period end after December 31, 2018. Based on his contributions to the CPP (which he doesn't dispute), the last day of his coverage period is December 31, 2018, so he doesn't qualify.

[18] The Claimant hasn't raised any concern about the General Division misapplying its powers or failing to provide him with a fair process, either.

[19] The Claimant hasn't raised an arguable case for any error by the General Division in its decision so I cannot give him permission to appeal.

There's no new evidence

[20] The Claimant hasn't provided any evidence that wasn't already presented to the General Division. So new evidence cannot form the basis for giving permission to appeal either.

[21] I've reviewed the written record.⁸ There's no arguable case that the General Division misunderstood or overlooked any evidence that could change the outcome for the Claimant.

[22] I understand why the Claimant stopped working and stopped contributing to the CPP (which is why his coverage period ends on December 31, 2018). But the General Division explained it doesn't have the power to grant him a PRDB based on his current contributions, regardless of his medical condition.

⁸ For more on this kind of review by the Appeal Division, see *Karadeolian v Canada (Attorney General)*, 2016 FC 615.

Conclusion

[23] I've refused to give the Claimant permission to appeal. This means that the appeal will not proceed.

Kate Sellar
Member, Appeal Division