



Citation: *AB v Minister of Employment and Social Development*, 2025 SST 1314

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

Decision

Appellant: A. B.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated July 11, 2025 (issued by
Service Canada)

Tribunal member: Brianne Shalland-Bennett

Type of hearing: In writing

Decision date: November 17, 2025

File number: GP-25-1376

Decision

[1] The appeal is dismissed.

[2] The Appellant, A. B., isn't eligible for a Canada Pension Plan (CPP) disability pension or the post-retirement disability benefit (PRDB).

[3] This decision explains why I am dismissing the appeal.

Overview

[4] The Appellant started getting his CPP retirement pension in May 2023.¹ He applied for a CPP disability pension in February 2025.² The Minister of Employment and Social Development (Minister) denied his application. He appealed the Minister's decision to the General Division of the Social Security Tribunal.

[5] The Minister says the Appellant applied for a disability pension too late after getting a retirement pension. It also says he isn't eligible for the PRDB.

[6] The Appellant says it is very difficult to live off his CPP retirement income. He has been unwell and disabled since 2022. He tried to make contributions through a job program, but they weren't enough. He wants the Tribunal to review his eligibility.

What the Appellant must prove

[7] The Appellant must prove he meets the eligibility requirements for a CPP disability pension or the PRDB.

Reasons for my decision

[8] The Appellant doesn't qualify for a CPP disability pension or the PRDB. I explain the reasons for my decision next.

¹ See GD2R-70.

² See GD2R-46 to 68.

– **I can only consider the Appellant’s February 2025 application**

[9] The Appellant wants me to consider that he made an application in 2022.

[10] The *Canada Pension Plan* says I can only decide appeals from reconsideration decisions from the Minister.³

[11] I can’t consider the Appellant’s old application from 2022.⁴ This Minister denied the application in 2023.⁵ There is no evidence in the file showing he requested a reconsideration for this decision. So, I can’t consider it in this appeal.⁶

[12] I can consider the Appellant’s current application. He asked the Minister to reconsider the decision made on this application. The Minister made a decision. He appealed the decision to the Tribunal. I can make a decision based on that reconsideration decision, and application.

– **The Appellant isn’t entitled to a CPP disability pension**

[13] The Appellant isn’t entitled to a CPP disability pension.

[14] The law says that a person who is getting a CPP retirement pension can’t get a CPP disability pension at the same time.⁷ They can cancel their retirement pension to get a disability pension instead. But only if they apply for a disability pension less than 15 months after the Minister started paying them a retirement pension.⁸

[15] The Appellant started getting a retirement pension in May 2023. He applied for a disability pension in February 2025. February 2025 is over the 15-month deadline to cancel his retirement pension for a disability pension. This means he applied for a disability pension too late.

³ Section 82 of the *Canada Pension Plan* explains this rule.

⁴ See GD2R-193 to 208.

⁵ See GD2R-172 to 174.

⁶ If the Appellant wants to ask for a reconsideration of the 2023 decision, he can ask the Minister. But he had 90 days to make a request. So, he will need to explain why his reconsideration request is late.

⁷ See sections 44(1)(b) and 70(3) of the *Canada Pension Plan*.

⁸ Sections 42(2)(b) 66.1(1.1) of the *Canada Pension Plan* and section 43(1) of the *Canada Pension Plan Regulations* set out this rule.

– **The Appellant isn't entitled to the PRDB**

[16] The Appellant isn't entitled to the PRDB.

[17] The PRDB is a benefit available to people who are getting a retirement pension and have a disability within the meaning of the *Canada Pension Plan*. Like a CPP disability benefit, there are requirements to get the PRDB. A person must meet all four of the requirements below to get the PRDB:⁹

- they must be getting a retirement pension,
- they must be under 65 years old.
- they must have a severe and prolonged disability, and
- they must have enough valid contributions to the CPP to have a minimum qualifying period that is after December 31, 2018.

[18] The Appellant doesn't meet one of the eligibility requirements to get the PRDB. He hasn't contributed to the CPP for at least 25 years, so the law says he had to make valid contributions in four of the last six years before his application. A person makes a valid contribution based on earnings that are equal to or greater than the basic exemption for disability that year.

[19] The "last six years" means the six calendar years before the person applied.¹⁰ In this case, the Appellant applied in 2025. The six years before that was from 2019 to 2024. He made contributions to the CPP, but they weren't valid as they were too low. The marker "B/Y" or "B/D" on his record of earnings represents this.¹¹

[20] There is another rule I can consider called the "late applicant rule." This rule says that a person who doesn't meet the contribution requirements at the time they applied

⁹ See section 44(h) of the *Canada Pension Plan*.

¹⁰ See section 44(4) of the *Canada Pension Plan*.

¹¹ See GD2-74.

for the PRDB may still qualify if the benefit would have been payable at the time they are deemed to become disabled, if they applied earlier.¹²

[21] The last time the Appellant had four years of contributions in a six-year period was from 2013 to 2018, which would create a minimum qualifying period of December 31, 2018. The law says his minimum qualifying period for the PRDB must be after December 31, 2018. So, his minimum qualifying period would not allow him to qualify for the PRDB as it isn't after December 31, 2018.

[22] I also considered that the Appellant has earnings contributions in 2019 that were below the minimum amount the CPP accepts. These contributions let the Appellant qualify for a pension if he became disabled between January 1, 2019, and March 31, 2019, and continues to be disabled.¹³

[23] However, the rules for the PRDB say the Appellant also has to be getting a retirement pension at the time he last had a minimum qualifying period. This rule also applies to a prorated minimum qualifying period.

[24] The Appellant started getting a retirement pension in 2023 – years after March 31, 2019. So, he also would not qualify for the PRDB with a prorated minimum qualifying period.

Conclusion

[25] I sympathize with the Appellant's situation, but I can't make a decision based on his financial circumstances or based on his 2022 application. I have to follow the law. Based on the facts in this appeal and what the law says, I find the Appellant isn't eligible for a CPP disability pension or the PRDB.

[26] This means the appeal is dismissed.

Brianne Shalland-Bennett
Member, General Division – Income Security Section

¹² See section 44(1)(h)(ii) of the Canada Pension Plan.

¹³ Sections 19 and 44(2.1) of the *Canada Pension Plan* explain this rule.