



Citation: *AS v Minister of Employment and Social Development*, 2026 SST 153

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: A. S.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated January 12, 2026
(GP-25-1688)

Tribunal member: Glenn Betteridge

Decision date: March 4, 2026

File number: AD-26-113

Decision

[1] Leave (permission) to appeal is refused. This means the appeal won't go forward.

Overview

[2] A. S. is the Claimant. She has applied for permission to appeal a General Division decision.

[3] The General Division decided the Claimant didn't qualify for a *Canada Pension Plan* (CPP) disability pension or a post-retirement disability benefit. It found she had received her retirement pension for over 15 months so she could not cancel it to get a disability pension.¹ And she didn't make enough years of recent contributions to get a post-retirement disability benefit.²

[4] The Claimant says the General Division made a legal error, and she disagrees with the CPP. The law and appeal process don't take humanity into account.

[5] Unfortunately for the Claimant, I can't give her permission to appeal the General Division decision.

Issues

[6] Is there an arguable case the General Division made a legal error by misinterpreting the sections of the CPP about cancelling a retirement pension or the sections about qualifying for the post-retirement disability benefit?

¹ See sections 42(2)(b) and 66.1(1.1) of the *Canada Pension Plan* (CPP).

² See sections 44(1)(h) and 44(4) of the CPP.

The Claimant hasn't met the legal test to get permission to appeal

The permission to appeal test

[7] I will give the Claimant permission to appeal if she raises an arguable case the General Division made one of these errors

- didn't respect natural justice
- made a jurisdictional error
- made a legal error, a factual error, or a mixed error of fact and law in making its decision³

[8] An arguable case is one with a reasonable chance of success.⁴

[9] The Claimant didn't set out new evidence.⁵ So I don't need to consider this reason for giving permission to appeal.

No arguable case the General Division made a legal error

[10] On her application form, the Claimant indicates the General Division interpreted or applied the law incorrectly.⁶ In other words, she's arguing the General Division made a legal error in making its decision.

[11] The Claimant explains she seems to be fighting a legal process that doesn't take humanity into account.⁷ She says the laws the government has put into place are arbitrary and work against her at every turn.⁸ She says taking humanity out of the law

³ See sections 58.1(a) and (b) of the *Department of Employment and Social Development Act* (DESD Act).

⁴ See *Abramowitz v Canada (Attorney General)*, 2024 FC 1793 at paragraph 32; *Kryklywicz v Canada (Attorney General)*, 2026 FC 36 at paragraph 64.

⁵ See section 58.1(c) of the DESD Act.

⁶ See AD1-7.

⁷ See AD1-1.

⁸ See AD1-3.

creates a system of rigid mechanical rule-following that leads to injustice, inhumane outcome, and the loss of mercy and equity.

[12] The Claimant's argument understands her situation perfectly. The General Division applied the law—it had no choice. It had no legal power to take humanity into account.

[13] The Claimant's argument shows she disagrees with the law as it applies to her. Yet disagreeing with the law or the outcome in her General Division appeal isn't a ground of appeal the law lets me consider. It doesn't show an arguable case the General Division made a legal error.

[14] I reviewed the documents in the General Division file and read the General Division decision. I didn't find an arguable case the General Division made a legal or a factual error in making its decision.

[15] This means I can't give the Claimant permission to appeal.

[16] Unfortunately, the Tribunal has no power to change the law, even when it's the humane, compassionate thing to do.

Conclusion

[17] Permission to appeal denied.

Glenn Betteridge
Member, Appeal Division