



Citation: *BR v Minister of Employment and Social Development*, 2026 SST 195

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

# **Leave to Appeal Decision**

**Applicant:** B. R.  
**Representative:** Paul Sacco

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

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**Decision under appeal:** General Division decision dated January 23, 2026  
(GP-25-631)

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**Tribunal member:** Glenn Betteridge

**Decision date:** March 12, 2026  
**File number:** AD-26-136

## Decision

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

## Overview

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

[3] The General Division decided she didn't qualify for a *Canada Pension Plan* (CPP) disability pension. It concluded she didn't meet the legal test for disability during her coverage period. It found her disability wasn't severe by the end of her coverage period (December 31, 2007). Or severe during her prorated coverage period (January through June 2019). (The end of a coverage period is often called the MQP.)

[4] In her application to the Appeal Division (application), the Claimant argues the General Division based its decision on two mistakes about the facts.

[5] Unfortunately for the Claimant, I can't give her permission to appeal the General Division decision. She hasn't shown an arguable case the General Division made a factual error in making its decision.

## Issues

[6] Is there an arguable case the General Division made a factual error in making its decision by

- stating she became disabled in August 2018?
- finding she stopped working in January 2019?

## 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 an error about its power to decide an issue—called a jurisdictional error
- made a legal error, a factual error, or a mixed error of fact and law in making its decision<sup>1</sup>

[8] An arguable case is one with a reasonable chance of success.<sup>2</sup>

[9] I don't need to consider whether to give the Claimant permission to appeal based on new evidence.<sup>3</sup> She didn't set out new evidence in her application.

### The CPP disability test and the Claimant's coverage periods

[10] To qualify for a CPP disability pension, a person has to show their disability was both severe and prolonged by the end of their coverage period. The CPP defines severe and prolonged.<sup>4</sup> And court decisions tell us what each definition means.

[11] The Claimant has two coverage periods (see General Division decision paragraphs 8 to 11). Under her regular coverage period, she had to show she was disabled by December 31, 2007.<sup>5</sup> Or show she was disabled between January 1 and June 30, 2019, based on a partial year of CPP contributions that year.<sup>6</sup>

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

<sup>2</sup> See *Abramowitz v Canada (Attorney General)*, 2024 FC 1793 at paragraph 32; *Kryklywicz v Canada (Attorney General)*, 2026 FC 36 at paragraph 64.

<sup>3</sup> See section 58.1(c) of the DESD Act.

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

<sup>5</sup> See section 44(2) of the CPP.

<sup>6</sup> See section 44(2.1) of the CPP.

[12] The Claimant didn't challenge these dates. And the General Division gave sufficient reasons to support its interpretation of the prorated coverage period given the parties' positions and Tribunal decisions (paragraphs 12 to 25).

### **No arguable case the General Division made a factual error**

[13] The Claimant argues the General Division made two factual errors.<sup>7</sup> Referring to paragraph 31, she says the General Division:

- didn't consider she stopped working in January 2019
- wrongly stated she became disabled in August 2018

[14] The General Division makes a factual error when it bases its decision on a factual finding it reached by ignoring or misunderstanding relevant evidence. Or when evidence squarely contradicts a factual finding, or no evidence supports the finding. Relevant means evidence that fits the legal test.

[15] The Claimant's arguments don't show the General Division made a factual error. Her arguments about factual mistakes seem to assume her last day of work sets the date she became disabled under the CPP. But that's not what the law says.

#### **– When the Claimant met the CPP definition of disability—not August 2018**

[16] The severe part of the disability test focuses on being regularly unable to do any job, not just your usual job.<sup>8</sup> Evidence that helps the General Division decide the month a person was no longer able to earn a living—**from any job**—in the real world is relevant.<sup>9</sup>

[17] The General Division found the Claimant became disabled **from her usual job** in August 2018. That isn't a finding about when she became disabled under the CPP—

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<sup>7</sup> See AD1-16

<sup>8</sup> See *Canada (Minister of Human Resources Development) v Scott*, 2003 FCA 34, at paragraphs 7 and 8.

<sup>9</sup> See *Klabouch v Canada (Minister of Social Development)*, 2008 FCA 33 at paragraphs 14 and 15; *Berger v Canada (Attorney General)*, 2022 FCA 4 at paragraph 22.

in other words, when she met the CPP disability test. So, the General Division didn't dismiss the Claimant's appeal based on its August 2018 disability finding. To reach its decision, it didn't have to make a finding about when she could no longer do her usual job.

[18] The General Division assessed the relevant evidence and decided the Claimant met that severe part of the CPP disability test as of November 2018 (paragraphs 44 to 47). Then it reviewed the relevant evidence and found she also met the prolonged part of the test as of November 2018 (paragraphs 51 to 61).

– **When the Claimant stopped working**

[19] The General Division considered her argument, and assessed the evidence, about when she stopped working. It gave detailed reasons explaining how it weighed the relevant evidence to find she stopped working in August 2018, not January 2019 (paragraphs 36 to 40).

[20] The Claimant hasn't pointed to any evidence the General Division misunderstood or ignored when it made this finding.

– **I reviewed the General Division file and listened to the hearing recording**

[21] I reviewed the documents in the General Division file and listened to the hearing recording.<sup>10</sup> I compared the evidence from those two sources to the evidence the General Division referred to in its decision.

[22] I didn't find evidence relevant to when Claimant became disable under the CPP that the General Division ignored or misunderstood. And no evidence supports the Claimant's testimony and argument she stopped working in January 2019.

[23] This tells me there's no arguable case the General Division made a factual error in making its decision.

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<sup>10</sup> See *Hideq v Canada (Attorney General)*, 2017 FC 439 at paragraph 14, including decisions cited.

## **Conclusion**

[24] The Claimant hasn't shown an arguable case the General Division made a factual error. And I looked but didn't find an arguable case. So, I can't give her permission to appeal.

Glenn Betteridge  
Member, Appeal Division