



Citation: *AS v Minister of Employment and Social Development*, 2026 SST 154

Social Security Tribunal of Canada General Division – Income Security Section

Decision

Appellant: A. S.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated June 16, 2025 (issued by
Service Canada)

Tribunal member: Adam Picotte

Type of hearing: Teleconference

Hearing date: January 9, 2026

Hearing participants: Appellant
Appellant's representative

Decision date: January 12, 2026

File number: GP-25-1688

Decision

[1] The appeal is dismissed.

[2] The Appellant, A. S., isn't eligible for either a Canada Pension Plan (CPP) disability benefit or a post retirement disability benefit (PRDB). This decision explains why I am dismissing the appeal.

Overview

[3] The Appellant turned 65 years old in August 2025. In February 2025, she was diagnosed with stage 4 brain cancer. Her physician, Dr. Garry wrote that she has global physical limitations that are related to her cancer diagnosis but also to her lymphedema and obesity. These have been present since at least 2019. Because of these conditions she is significantly impacted in her ability to engage in daily functions, including standing, sitting, extension and bending. The Minister does not dispute that the Appellant has a severe disability. That is not the issue before me today. The issue before me is whether or not the Appellant can qualify for a disability benefit given certain requirements within the CPP.¹

[4] The Appellant says that she ought to qualify for a benefit, either a disability benefit or a PRDB because she is disabled and was not able to make contributions because of her circumstances.

[5] The Minister says that in order to qualify for either a disability benefit or a PRDB, there are requirements for timeliness when cancelling a retirement pension in favour of a disability benefit and requirement for contributions for both benefits.

What I have to decide

[6] I have to decide if the Appellant is eligible for a disability pension or the PRDB.

¹ I will explain those requirements below.

Reasons for my decision

[7] I find the Appellant isn't eligible for a disability pension or the PRDB. I explain the reasons for my decision next.

The Appellant isn't eligible for a CPP disability pension

[8] The Appellant isn't eligible for a disability pension because she applied more than 15 months after she started getting a retirement pension.

[9] The law says that a person who is getting a CPP retirement pension can't get a CPP disability pension at the same time.² They can cancel their retirement pension so that they can receive a disability pension instead, but only if they apply for a disability pension less than 15 months after the Minister started paying him a retirement pension.³

[10] The Appellant started getting a retirement pension in July 2023.⁴ She applied for a disability pension in March 2025.⁵ There is a 20-month difference between the two dates. Twenty months is over the 15-month limit. She needed to have applied for a disability pension before October 2024.

[11] I understand the Appellant didn't think that she could apply given that she continued to work as an X during this time. I also understand that she has developed a life-threatening medical condition. Unfortunately, that isn't something I can consider. I can only look at if she applied for a disability pension too late after getting a retirement pension. And, in this case she applied too late. So she isn't eligible for a disability pension.

² See sections 44(1)(b) and 70(3) of the *Canada Pension Plan*.

³ 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.

⁴ GD2-96

⁵ GD2-75

The Appellant isn't eligible for the PRDB

[12] The Appellant isn't eligible for a PRDB because she didn't have enough valid contributions when she met the other eligibility requirements. To get the PRDB, a person must:⁶

- be getting a retirement pension,
- be under the age of 65,
- have made enough contributions to the CPP to have a minimum qualifying period, and that minimum qualifying period can't be before January 1, 2019 (when the law was created), and
- have a severe and prolonged disability

[13] The Appellant doesn't meet at least one of these rules. She is getting a retirement pension. She was under 65 years old when she applied. But she hasn't made enough valid contributions to the CPP to have a minimum qualify period that is after December 31, 2018.

[14] The Appellant contributed to the CPP for at least 25 years, so the rules say she had to make valid contributions to the CPP in three of the last six years. A valid contribution is one that is made on earnings that are equal to or greater than the basic exemption for disability that year.

[15] The "last six years" means the six calendar years before the person applied.⁷ In this case, the Appellant applied in 2025. The last six years before that was 2019 to 2025. She had two years of valid CPP contributions during that period.⁸

[16] Prior to the hearing, I wrote to the Minister to inquire about potential earnings from 2024 as contributions during this year may have provided the Appellant with a prorated MQP and thereby allowed her to qualify for a PRDB. The Minister wrote back to advise that the Appellant, as can be seen from her record of earnings, did not make any contributions to the CPP during this year.

⁶ See section 44(1)(h) of the *Canada Pension Plan*.

⁷ See section 44(4) of the *Canada Pension Plan*.

⁸ GD4-7

[17] Because the Appellant had only two years of valid contributions to the CPP in the last six years. She cannot qualify for a PRDB.

Conclusion

[18] I recognize that the Appellant has a grave medical condition. The medical evidence supports this and the Minister does not contest this fact. That being said, I can't make a decision based on equity or compassionate grounds. I understand and sympathize with the Appellant's situation. However, I have to follow the law. The law says you can only qualify when you make sufficient contributions and when you have not been in receipt of a retirement pension for more than 15 months. As neither of these conditions have been met, the Appellant cannot qualify for a benefit.

[19] This means that the appeal is dismissed.

Adam Picotte
Member, General Division – Income Security Section