



Citation: *MC v Minister of Employment and Social Development*, 2025 SST 633

Social Security Tribunal of Canada
General Division – Income Security Section

Decision

Appellant: M. C.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated February 28, 2025 (issued
by Service Canada)

Tribunal member: Brianne Shalland-Bennett

Type of hearing: Teleconference

Hearing date: May 21, 2025

Hearing participants: Appellant

Decision date: May 21, 2025

File number: GP-25-405

Decision

[1] The appeal is dismissed.

[2] The Appellant, M. C., isn't eligible for a Canada Pension Plan (CPP) disability pension. This decision explains why I am dismissing the appeal.

Overview

[3] The Appellant is 45 years old. He was stabbed in the neck in 1999. He was shot in the stomach as an innocent bystander in 2000. Since then, he has limitations from post-traumatic stress disorder (PTSD), anxiety, depression, and chronic pain. He hasn't been able to work since his injuries.

[4] The Appellant applied for a CPP disability pension on November 25, 2024. The Minister of Employment and Social Development (Minister) refused his application. He appealed the Minister's decision to the Social Security Tribunal's General Division.

[5] The Minister says the Appellant hasn't made enough valid contributions to establish a minimum qualifying period.¹ Because he doesn't have a minimum qualifying period, he can't get a disability pension.

[6] The Appellant says that before his injuries, he was gainfully employed. He can't contribute now because of his health.

What the Appellant must prove

[7] For the Appellant to succeed, he must show he qualifies for a disability pension. One of the requirements to get a disability pension is that a person needs to have made the minimum amount of valid CPP contributions to establish a minimum qualifying period.² If they don't meet that requirement, they don't qualify.

¹ I will explain what this means next.

² See subparagraph 44(1)(b)(i) of the *Canada Pension Plan*.

Reasons for my decision

[8] The Appellant doesn't have enough years of valid CPP contributions to establish a minimum qualifying period. So, he doesn't qualify for a disability pension.

[9] The law says the Appellant has to have made valid contributions to the CPP in at least four of the last six calendar years at the time of his application.³

[10] If the Appellant doesn't meet the contributory requirements at the time of his application, he may qualify for a disability pension if he can show he was disabled within the meaning of the CPP at an earlier time when he met the contributory requirements.⁴

[11] The Appellant hasn't made valid contributions for at least four years in a six-year period at any point in time. He has three years of valid CPP contributions – 1999, 2001, and 2002.⁵ This is less than the four required in any six-year period.

[12] Because the Appellant hasn't made enough valid contributions to establish a minimum qualifying period, he doesn't meet the legal test to get a CPP disability pension. Because he doesn't meet the legal test, he doesn't qualify.

[13] The Appellant asked me to consider that he is getting benefits from the Ontario Disability Support Program (ODSP). The ODSP has different criteria to establish what a disability is. It's not the same as what the *Canada Pension Plan* says. I can only follow what the *Canada Pension Plan* says.⁶

[14] The Appellant asked me to consider his circumstances. He didn't ask to get shot. He is doing the best he can for himself and his daughter. His disability stops him from working. He didn't want to be in this situation. This situation happened to him.

[15] I sympathize with the Appellant's circumstances. I recognize that he has limitations that affect his ability to work. He submitted medical evidence to support what

³ See subsection 44(2)(a)(i) and 44(1)(b)(ii) of the *Canada Pension Plan*.

⁴ See subsection 44(2)(a)(i) and 44(1)(b)(ii) of the *Canada Pension Plan*.

⁵ See GD2-58. recognize the Appellant made contributions to the CPP in 1998 and 2000. However, these earnings aren't valid. This is because they are below the basic yearly amount the CPP accepts.

⁶ See GD5.

he says.⁷ That being said, I can't make my decision based on humanitarian, or compassionate reasons, or because I want to help the Appellant out because of his circumstances. This is because I don't have equitable jurisdiction. I can only follow what the law says. And, the law says he hasn't made enough valid contributions to establish a minimum qualifying period.

Conclusion

[16] I find the Appellant isn't eligible for a CPP disability pension because he doesn't meet one of the requirements to have a disability pension. He doesn't have enough valid contributions to establish a minimum qualifying period.

[17] This means the appeal is dismissed.

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

⁷ See GD4-4 and GD4-13.