



[TRANSLATION]

Citation: *MM v Minister of Employment and Social Development and KK*, 2025 SST 1216

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

### **Decision**

**Appellant:** M. M.

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

**Added Party:** K. K.

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated February 6, 2024  
(issued by Service Canada)

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**Tribunal member:** Antoinette Cardillo

**Type of hearing:** In writing (at the Appellant's request)

**Decision date:** September 9, 2025

**File number:** GP-24-375

## Decision

- [1] The appeal is dismissed.
- [2] This decision explains why I am dismissing the appeal.

## Overview

- [3] The Appellant applied for an Old Age Security (OAS) pension and the Guaranteed Income Supplement (GIS) on September 7, 2021.<sup>1</sup>
- [4] The Minister of Employment and Social Development (Minister) started paying the Appellant an OAS pension and the GIS in October 2020.<sup>2</sup>
- [5] In August 2023, the Minister recalculated the Appellant's benefits considering his foreign pension from Algeria as well as his wife's pension.<sup>3</sup>
- [6] The Minister decided that the Appellant had to repay \$14,298.40. This is the GIS amount that the Appellant was overpaid.
- [7] The Appellant appealed the Minister's decision to the General Division of the Social Security Tribunal (Tribunal).

## Reasons for my decision

- [8] Under the *Old Age Security Act* (Act), on May 9, 2024, the Tribunal referred the Appellant's appeal to the Tax Court of Canada (Tax Court) because the Appellant raised an issue about income.
- [9] On November 18, 2024, the Tax Court dismissed the appeal. The Appellant didn't go to the hearing before the Tax Court.

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<sup>1</sup> See GD2-3.

<sup>2</sup> The Minister of Employment and Social Development manages the Old Age Security programs for the Government of Canada. See the reconsideration decision at GD2-27.

<sup>3</sup> See GD1-2.

[10] On December 11, 2024, I sent a letter to the Appellant.<sup>4</sup> I told him that I don't have the power to decide issues about the calculation of a person's income. I asked him whether there were other points to consider based on the Minister's reconsideration letter dated February 6, 2024.

[11] The Appellant said that he disagreed with the Tax Court decision and that the issue hadn't been resolved.<sup>5</sup>

[12] I was about to schedule an in-person hearing as the Appellant requested. But in April 2025, he said that he no longer thought he could make the hearing in person after all.<sup>6</sup>

[13] I gave him options for hearing types, and the Appellant said that I could make a decision on the record already submitted.<sup>7</sup>

[14] Because this appeal is about income, I don't have the power to decide these issues. Another issue in the appeal is the repayment of an overpayment. The Minister's decisions about the repayment of an established overpayment are discretionary decisions and can't be subject to review by the Tribunal. I don't have the power to reduce or write off the Appellant's overpayment.

[15] I can only reconsider the Minister's decisions made under the Act that deal with the amount of a benefit to be paid or with the non-payment of that benefit, not with the repayment of an overpayment.

## Conclusion

[16] This means the appeal is dismissed.

Antoinette Cardillo

Member, General Division – Income Security Section

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<sup>4</sup> See GD07.

<sup>5</sup> See GD10.

<sup>6</sup> See GD14.

<sup>7</sup> See GD16.