



Citation: *CG v Minister of Employment and Social Development*, 2025 SST 68

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

## **Decision**

**Appellant:** C. G.

**Representative:** B. G.

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

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated July 30, 2024 (issued by  
Service Canada)

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**Tribunal member:** James Beaton

**Type of hearing:** In writing

**Decision date:** January 28, 2025

**File number:** GP-24-1688

## Decision

[1] The appeal is dismissed.

[2] The Appellant, C. G., can't cancel or reverse the division of unadjusted pensionable earnings (DUPE), also known as a "credit split." This decision explains why I am dismissing the appeal.

## Overview

[3] The facts of this appeal are not in dispute. The Appellant married B. G. in 1982. They divorced in 2007. B. G. died in 2008.

[4] On April 29, 2024, the Minister of Employment and Social Development (Minister) sent the Appellant a letter. It said, "Our records show that you are separated or divorced and may be eligible to apply for" a credit split.<sup>1</sup> A credit split is when a former couple's pension credits are combined and then divided equally between them upon separation or divorce.

[5] The Appellant applied for a credit split, which the Minister approved on July 15, 2024. This resulted in the amount of her Canada Pension Plan (CPP) retirement pension going down. She had expected it to go up or stay the same. She asked the Minister to reverse the credit split on July 24, 2024. The Minister refused.

[6] The Appellant appealed the Minister's decision to the Social Security Tribunal's General Division.

## What I have to decide

[7] I have to decide if the Appellant can cancel or reverse the credit split.

## Reasons for my decision

[8] The Appellant can't cancel or reverse the credit split.

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<sup>1</sup> See GD2-21.

[9] The law says that credit splitting is **mandatory** for couples who divorce on or after January 1, 1987.<sup>2</sup> There are only two exceptions:

- if both parties' benefits go down as a result of the credit split<sup>3</sup>
- if the parties agreed in writing not to split their pension credits<sup>4</sup>

[10] These exceptions don't apply here. First, B. G.'s benefits can't decrease because he isn't getting any benefits. Second, there is no evidence that the Appellant and B. G. agreed in writing not to split their pension credits.

[11] The Federal Court has confirmed that the Minister **must** perform a credit split even if one of the former spouses has died and the credit split results in the amount of the surviving spouse's pension going down.<sup>5</sup>

[12] I acknowledge that B. G. died several years ago. However, there is no time limit to apply for a credit split when a couple is divorced. In fact, an application isn't even required.<sup>6</sup>

[13] Finally, I note that the Minister's letter approving the Appellant's pension gave the amount of her pension as \$1,073.20 per month.<sup>7</sup> The Minister's letter reducing the pension says the original amount was \$1,000.73.<sup>8</sup> In its submissions to the Tribunal, the Minister clarified that \$1,073.20 was the correct amount. Regardless, the Appellant is now receiving less than either amount as a result of the credit split.

## Other matters

[14] The Appellant's representative filed detailed submissions with the Tribunal highlighting "substantial shortcomings in Service Canada's processes and

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<sup>2</sup> See sections 55.1(1)(a) and 55.11(a) of the *Canada Pension Plan*. The Minister incorrectly referenced section 55.1(1)(b) in its reconsideration decision (GD2-20).

<sup>3</sup> See section 55.1(5) of the *Canada Pension Plan*.

<sup>4</sup> See sections 55.2(2) and (3) of the *Canada Pension Plan*.

<sup>5</sup> See *Dela Cruz v Canada (Attorney General)*, 2020 FC 744 at paragraph 24.

<sup>6</sup> See section 55.1(1)(a) of the *Canada Pension Plan*. See also *Conkin v Canada (Attorney General)*, 2005 FCA 351 at paragraph 3.

<sup>7</sup> See GD2-24.

<sup>8</sup> See GD2-25.

communication.” She urged the Tribunal to “consider these errors, the irreversible financial impact on the [Appellant] and the broader implications for others navigating similar processes.” She wants the Tribunal to “consider systemic reforms to prevent similar hardships for other prospective pensioners in the future.”<sup>9</sup>

[15] I am not in a position to adjudicate Service Canada’s handling of the Appellant’s application, or the communications that she received from Service Canada before and after she applied. The Federal Court made this clear in a case called *Pincombe*.<sup>10</sup> The Federal Court has made it equally clear that the Tribunal has no jurisdiction to allow appeals based on compassionate grounds or financial hardship.<sup>11</sup>

[16] My decision may seem unfair to the Appellant. It is unfortunate that the Appellant’s pension has been reduced without any corresponding benefit to B. G.. Neither the Appellant nor B. G. has benefitted from the credit split. But there is nothing I can do to change the outcome. Only Parliament can change the law, if it wishes.

## Conclusion

[17] I find that the Appellant can’t cancel or reverse the credit split.

[18] This means the appeal is dismissed.

James Beaton

Member, General Division – Income Security Section

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<sup>9</sup> See GD8.

<sup>10</sup> See *Pincombe v Canada (Attorney General)*, [1995] FCJ No 1320.

<sup>11</sup> See *Miter v Canada (Attorney General)*, 2017 FC 262.