



Citation: *AM v Minister of Employment and Social Development*, 2025 SST 378

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

## Decision

**Appellant:** A. M.

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

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated November 13, 2024 (issued  
by Service Canada)

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**Tribunal member:** Brianne Shalland-Bennett

**Type of hearing:** In writing

**Decision date:** April 3, 2025

**File number:** GP-25-27

## Decision

[1] The appeal is dismissed.

[2] The Appellant, A. M., isn't eligible for her Canada Pension Plan (CPP) survivor's pension to start earlier.

[3] This decision explains why I am dismissing the appeal.

## Overview

[4] The Appellant applied for a survivor's pension in October 1995. The Minister of Employment and Social Development (Minister) denied her application in November 1995 because she was under 65, had no dependent children, and wasn't disabled. It also said she will be entitled to the benefit (upon application) when she reaches 65 years old or if she becomes disabled within the meaning of the CPP.<sup>1</sup>

[5] The law changed in January 2019. It removed the requirements of being 65 years old, disabled, or having dependent children for a person to apply and be approved for a survivor's pension.<sup>2</sup> A person had to apply for the benefit again to be considered.

[6] The Appellant applied for a survivor's pension in July 2024.<sup>3</sup> The Minister approved her application with an effective payment date of August 2023.

[7] The Appellant disagrees with the start date of her retroactive payment. She asked the Minister to reconsider its decision. The Minister maintained its decision. So, she appealed the Minister's decision to the Social Security Tribunal's General Division.<sup>4</sup>

[8] The Appellant says she wasn't told about the change in the law. She wants benefits retroactive to when the law changed.

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<sup>1</sup> See GD2-63 to 64 for the Appellant's first application. See GD2-106 for the Minister's denial.

<sup>2</sup> See subsection 44(1)(d) of the *Canada Pension Plan*.

<sup>3</sup> See GD2-9 to 15 for the Appellant's recent application for a survivor's pension.

<sup>4</sup> See the GD2-4 to 6 for the Appellant's request for reconsideration. See GD2-7 to 8 for the Minister's denial letter. See GD1 for the Appellant's Notice of Appeal.

[9] The Minister says the law says the Appellant can only get 11 months of retroactive benefits. It says it gave her the maximum the law allows.

## **What the Appellant must prove**

[10] For the Appellant to succeed, she must show she was eligible for the survivor's pension earlier than August 2023. To get a survivor's pension, a person must apply for it in writing. This rule applies even if a person didn't know about their eligibility for a pension. After an application is made, the law says that a survivor's pension cannot be paid earlier than 11 months before the date of the application.<sup>5</sup>

## **Reasons for my decision**

[11] The Appellant isn't eligible for a survivor's pension earlier than August 2023.

[12] The Appellant got the maximum amount of retroactive benefits the law allows. She applied for the pension in July 2024. Eleven months before then is August 2023. This means the Minister paid her correctly and based on what the law says.

[13] I recognize the Appellant said she didn't know the law changed in 2019.

[14] I am sympathetic to the Appellant's circumstances. But, I can't give a person more benefits because they didn't know they were eligible for the pension sooner than when they applied. This is because I don't have equitable jurisdiction. I can only follow what the law says.

## **Conclusion**

[15] I find the Appellant isn't eligible to have her CPP survivor's pension start before August 2023.

[16] This means the appeal is dismissed.

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

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<sup>5</sup> Section subsection 60(1) and section 72 of the *Canada Pension Plan*.