



Citation: *AY v Minister of Employment and Social Development*, 2025 SST 278

Social Security Tribunal of Canada
General Division – Income Security Section

Decision

Appellant: A. Y.
Representative: M. Y.
Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated June 26, 2024 (issued by
Service Canada)

Tribunal member: James Beaton
Type of hearing: Teleconference
Hearing date: March 13, 2025
Hearing participants: Appellant's representative
Appellant's witness
Decision date: March 24, 2025
File number: GP-24-1675

Decision

[1] The appeal is dismissed.

[2] The Appellant, A. Y., isn't eligible for the Canada Pension Plan (CPP) disabled contributor's child's benefit (DCCB). This decision explains why I am dismissing the appeal.

Overview

[3] On July 14, 2021, the Appellant applied for the DCCB for the period of August 17, 2020, to October 1, 2021.¹ She said she was a student at the Independent Learning Centre. The Minister of Employment and Social Development (Minister) refused her application. She appealed to the Social Security Tribunal's General Division. The General Division dismissed the appeal.² She didn't appeal to the Tribunal's Appeal Division.

[4] On January 17, 2024, the Appellant applied for the DCCB for the periods of:³

- July 30, 2020, to July 30, 2021
- August 1, 2022, to August 1, 2023

[5] I will refer to these as the "relevant periods."

[6] The first of the relevant periods overlaps with the period that was in dispute in the Appellant's previous appeal to the Tribunal. But in her 2024 application, she stated that she was attending the X Career Institute. So the issue in this application (and this appeal) isn't exactly the same as in the previous application (or appeal). She was attending different institutions.

[7] The Minister denied the 2024 application. The Appellant appealed to the Tribunal's General Division. This appeal is only about the 2024 application.

¹ See GD2-54.

² The Tribunal file is GP-23-86.

³ See GD2-20 and 25.

[8] The Minister says the Appellant isn't eligible for the DCCB because the X Career Institute didn't certify that she was a full-time student there. The law now allows the DCCB to be paid to part-time students, but that wasn't the case until 2025.

[9] The Appellant says she attended classes online, but that should not disqualify her from receiving the DCCB. She also says she has health conditions that made it difficult to attend classes and complete her studies.

What I have to decide

[10] I have to decide if the Appellant is eligible for the DCCB for the relevant periods.

Matters I have to consider first

[11] The Appellant didn't attend the hearing. Her father, M. Y. (who is her representative), attended on her behalf.

[12] M. Y. was accompanied by his son (the Appellant's brother), O. Y.⁴ At the beginning of the hearing, M. Y. advised that O. Y. was there to support him in case he needed to refer to documents, since his vision isn't that good. But partway through the hearing, O. Y. briefly gave evidence. I had not sworn in O. Y. as a witness because I was not expecting him to testify. He hadn't told the Tribunal that he would be testifying.⁵ Despite this, I allowed him to make a brief statement instead of interrupting him.⁶ His statement was essentially to repeat what M. Y. had already said. Whether or not witnesses are formally sworn in, they are expected to tell the truth.⁷

Reasons for my decision

[13] The Appellant isn't eligible for the DCCB for the relevant periods.

⁴ O. Y. confirmed that his last name is spelled differently than his father's.

⁵ Section 41 of the *Social Security Tribunal Rules of Procedure* (Rules) requires a party to file a notice with the Tribunal if they will have a witness.

⁶ Section 8(4) of the Rules says I can decide that a party doesn't need to follow a rule if it is in the interest of justice.

⁷ See section 16(2) of the Rules.

[14] The Appellant turned 18 in December 2020. To receive the DCCB **after** turning 18, the Appellant must have been in full-time attendance at a school, college, university or other educational institution that provides training or instruction of an educational, professional, vocational or technical nature.⁸ Importantly, the Appellant must also file a declaration signed by a responsible officer of the educational institution, certifying to her enrolment in a course requiring full-time attendance.⁹

[15] The Appellant didn't need to be in school to get the DCCB **before** she turned 18. But the earliest that payments can begin is 11 months before an application is received.¹⁰ The Minister received the Appellant's application in January 2024. Eleven months before that is February 2023. She was over 18 years old by then. Only her 2024 application is under appeal. I can't consider her original application from July 2021.

[16] So, even if the Appellant was in full-time attendance at an educational institution, the earliest that she could qualify for the DCCB is February 2023.

[17] The Appellant provided a letter dated May 26, 2023, from the X Career Institute signed by the Supervisor of Student Services.¹¹ The letter says:

- the Appellant is enrolled in the cooking and catering program
- the Appellant's enrolment began on July 30, 2020
- the program consists of 20 lessons and exams
- the Appellant has completed 12 exams
- X Career Institute is a correspondence school—"No specific attendance is required or applies."

[18] The letter doesn't say the Appellant has ever attended or been enrolled as a full-time student.

⁸ See section 44(1)(e) and the definitions of "dependent child" and "disabled contributor's child" in section 42(1) of the *Canada Pension Plan* and section 66(1) of the *Canada Pension Plan Regulations* (Regulations) as they existed before 2025.

⁹ See section 67(a) of the Regulations as they existed before 2025.

¹⁰ See section 74(2) of the *Canada Pension Plan*.

¹¹ See GD2-30.

[19] At the hearing, the Appellant’s representative suggested that the Appellant should be considered a full-time student because she was enrolled at more than one institution at the same time—presumably the X Career Institute and the Independent Learning Centre. He argues that, together, her classes at both institutions amount to a full course load.

[20] The law doesn’t allow for this approach. The *Canada Pension Plan* refers to full-time attendance at “**a** school or university,” not multiple schools or universities. Similarly, the *Canada Pension Plan Regulations* refer to attendance at “**an** educational institution” and “**the** educational institution.”¹²

[21] The law allows me to recognize the Appellant as a full-time student during a period when she was absent by reason of an illness—but **only** if she was a full-time student to begin with.¹³ The Appellant hasn’t met the requirements to prove that she was ever a full-time student. This means her medical conditions and their impact on her studies aren’t relevant to my decision.

[22] The representative argues that the Appellant was a full-time student at a public high school until she was bullied and decided to continue her studies online.

[23] Again, the Appellant hasn’t met the documentary requirements to prove that she was ever a full-time student.

[24] Finally, the representative expressed concern about the Minister’s (that is, Service Canada’s) process of reviewing the Appellant’s application. He says Service Canada lost some documents, which he had to re-file. He believes that the Appellant was “targeted” and her application was denied for unlawful reasons.

¹² See the definition of “dependent child” in section 42(1) of the *Canada Pension Plan* and section 66(1) of the Regulations as they existed before 2025.

¹³ See sections 66(2) and (3) of the Regulations as they existed before 2025.

[25] My focus is on the Appellant's eligibility for the DCCB, not on Service Canada's process. I took a fresh look at the evidence and applied it to the law. Under the law, the Appellant isn't eligible for the DCCB.

Conclusion

[26] The Appellant isn't eligible for the DCCB for the relevant periods.

[27] This means the appeal is dismissed.

James Beaton

Member, General Division – Income Security Section