



Citation: *WM v Minister of Employment and Social Development*, 2023 SST 592

Social Security Tribunal of Canada

Appeal Division

Decision

Appellant: W. M.

Respondent: Minister of Employment and Social Development
Representative: Ian McRobbie

Decision under appeal: General Division decision dated February 28, 2023
(GP-22-1365)

Tribunal member: Kate Sellar

Type of hearing: In Writing

Decision date: **May 10, 2023**

File number: AD-23-274

Decision

[1] I'm allowing the appeal. The Claimant is entitled to a *Canada Pension Plan* (CPP) disability pension. Payments start June 2020. These are the reasons for my decision.

Background

[2] W. M. (Claimant) applied for a CPP disability pension in December 2013. He applied again on May 4, 2021. The Minister refused his application initially and on reconsideration. The Claimant appealed to this Tribunal.

[3] The General Division dismissed his appeal, finding that the Claimant was unable to show that his disability was severe within the meaning of the CPP.

[4] I gave the Claimant permission to appeal because he provided new evidence: a psychological report that stated that he was incapable regularly of pursuing any substantially gainful occupation on or before December 31, 2011.

The parties agree on the outcome of the appeal

[5] The parties have asked for a decision based on an agreement they reached during a settlement conference on May 10, 2023.¹

[6] The parties agree on the following:

- The Appeal Division should allow the Claimant's appeal.
- The Claimant proved he had a severe and prolonged disability within the meaning of the CPP in 2011 after a traumatic event in his life.
- This means that the Claimant became disabled during his coverage period, because the last day of his coverage period is December 31, 2011.
- The Claimant applied for the disability pension on May 4, 2021 (this was his second application). Section 42(2) of the CPP says that the earliest a person can

¹ See section 39(2) of the *Social Security Tribunal Rules of Procedure*.

be considered disabled for the purpose of the CPP disability pension is 15 months before they applied.

- So, the earliest the Claimant can be considered disabled, based on his application date, is February 2020.
- In accordance with section 69 of the CPP, payments start four months later in June 2020.

I accept the parties' agreement

[7] I accept the parties' agreement.

[8] I allow the Claimant's appeal.

[9] I put great weight on the Claimant's new evidence. It isn't challenged by any other medical report. It speaks directly to the issues in this appeal.

[10] The Claimant served in the Canadian Armed Forces. He had PTSD initially, and later, Complex PTSD. By 2011, he was incapable regularly of pursuing any substantially gainful occupation. He tried to keep his business going but he did not earn any income. He had another failed work attempt in 2015. He took reasonable steps to manage his medical conditions, and he did not refuse treatment unreasonably. The symptoms of his Complex PTSD led to violent confrontations with co-workers and employers, causing him to lose jobs.

[11] The Claimant's new evidence also makes it clear that his condition is long-continued and of indefinite duration, so it meets the definition of prolonged in the CPP.

[12] Although the Claimant was disabled in 2011, the earliest he can be considered disabled in accordance with the CPP is February 2020. Payments start four months later in June 2020.

Conclusion

[13] I allow the appeal. The Claimant is entitled to a *Canada Pension Plan* disability pension. Payments start June 2020.

Kate Sellar
Member, Appeal Division