



Citation: *Minister of Employment and Social Development v GW*, 2023 SST 677

Social Security Tribunal of Canada

Appeal Division

Decision

Appellant: Minister of Employment and Social Development
Representative: Viola Herbert

Respondent: G. W.

Decision under appeal: General Division decision dated March 3, 2023
(GP-21-1957)

Tribunal member: Kate Sellar

Type of hearing: In Writing

Decision date: **June 1, 2023**

File number: AD-23-442

Decision

[1] I'm allowing the appeal. The Claimant's *Canada Pension Plan* (CPP) disability pension starts January 2020. These are the reasons for my decision.

Background

[2] G. W. (Claimant) worked as a millwright. He stopped working in July 2019 because he had pain and swelling in his feet and ankles. He also had post traumatic stress disorder.

[3] The Claimant applied for a CPP disability pension on December 4, 2020. The Minister of Employment and Social Development (Minister) refused the application initially and on reconsideration. The Claimant appealed the Minister's decision to this Tribunal.

[4] The General Division allowed the Claimant's appeal, finding that his payments for the disability pension would start in November 2019.

[5] The Minister appealed the General Division's decision, arguing that payments should start January 2020.

The parties agree on the outcome of the appeal

[6] The parties have asked for a decision based on an agreement they reached during a settlement conference on May 23, 2023.¹

[7] The parties agree on the following:

- The Appeal Division should allow the Minister's appeal.
- The Claimant proved that had a severe and prolonged disability within the meaning of section 42(2)(a) of the CPP.

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

- The Claimant became disabled in July 2019. His coverage period didn't end until December 31, 2022.
- The Claimant applied for the disability pension in December 2020. According to section 42(2)(b) of the CPP, the earliest a claimant can be considered disabled is 15 months before they applied. For the Claimant, that date is September 2019. In accordance with section 69 of the CPP, payments start four months later in January 2020.

I accept the parties' agreement

[8] I accept the parties' agreement.

[9] The Claimant applied for the disability pension in December 2020, so in accordance with the CPP and based on when the Claimant applied, his payments start January 2020.

Conclusion

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

Kate Sellar
Member, Appeal Division