



Citation: *Minister of Employment and Social Development v TR*, 2024 SST 543

Social Security Tribunal of Canada Appeal Division

Decision

Appellant:	Minister of Employment and Social Development
Representative:	Dylan Edmonds
Respondent:	T. R.

Decision under appeal:	General Division decision dated July 27, 2023 (GP-23-356)
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Tribunal member:	Neil Nawaz
Type of hearing:	Videoconference
Hearing date:	May 13, 2024
Hearing participants:	Appellant's representative Respondent
Decision date:	May 15, 2024
File number:	AD-23-960

Decision

[1] The appeal is allowed in accordance with an agreement reached between the parties.

Overview

[2] The Respondent is a 55-year-old former account manager with a long history of depression and anxiety. Over the years, she has held a series of short-lived jobs, most recently with X, a wholesaler of fruits and vegetables. For a few months last year, she also worked as a part-time bartender at X.

[3] In December 2021, the Respondent applied for a Canada Pension Plan (CPP) disability pension.¹ The Minister of Employment and Social Development refused the application after determining that she did not have a severe and prolonged disability.²

[4] The Respondent appealed the Minister's refusal to the Social Security Tribunal's General Division. It held a hearing in writing and allowed the appeal. It found that the Respondent's mental health conditions rendered her disabled as of February 2020.

[5] The Minister then asked the Appeal Division for permission to appeal, alleging that the General Division had made various errors in arriving at its decision. Last year, one of my colleagues on the Appeal Division allowed the Minister's appeal to proceed.

[6] I recently held a hearing to discuss the Minister's appeal in full. Toward the end of the hearing, the Minister's representative requested an impromptu settlement conference. At the conference, the parties reached an agreement, and they have asked me to prepare a decision that reflects that agreement.

¹ See Appellant's application for a CPP disability pension dated December 21, 2021, GD2-33.

² Under section 44(2) of the *Canada Pension Plan*, a disability claimant must show that they have a severe and prolonged disability during their coverage period. A coverage period is established by working and contributing to the CPP. In this case, the Respondent's earnings and contribution history gave her coverage until the end of 2025. See updated earnings detail at GD8-12.

Agreement

[7] The Minister conceded that the Respondent became disabled in February 2022. The Minister accepted that the Respondent's depression and anxiety rendered her regularly incapable of working in any substantially gainful occupation as of that date.³

[8] The Respondent expressed her agreement with these statements.

[9] Having reviewed the record, I am endorsing the parties' agreement because:

- the Respondent was diagnosed with recurrent major depression and generalized anxiety disorder with panic attacks as long ago as 2010;
- the Respondent, in her mid-50s with a high school education and inconsistent work record, is effectively unemployable;
- the Respondent has taken reasonable steps to seek treatment, including several rounds of counselling and multiple trials of psychotropic drugs, all to limited effect; and
- the Respondent has repeatedly attempted and failed at a series of jobs as a result of her psychological condition.

Conclusion

[10] I hereby allow the appeal in accordance with the parties' agreement. According to the *Canada Pension Plan*, payments start four months after the date of disability.

That means the start date of the Respondent's CPP disability pension is June 2022.⁴



Member, Appeal Division

³ Refer to recording of the hearing held on May 13, 2024 at 1:52:20.

⁴ See section 69 of the *Canada Pension Plan*.