



Citation: *MP v Minister of Employment and Social Development*, 2025 SST 528

## **Social Security Tribunal of Canada**

### **Appeal Division**

# **Decision**

**Appellant:** M. P.

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

**Representatives:** Rebekah Ferriss and Yannick Belanger

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**Decision under appeal:** General Division decision dated July 17, 2024  
(GP-23-1810)

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**Tribunal member:** Neil Nawaz

**Type of hearing:** In Writing

**Decision date:** May 21, 2025

**File number:** AD-24-679

## Decision

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

## Overview

[2] The Appellant is a former bakery assistant with a history of mental illness. She is now 67 years old and last worked in 2010.

[3] In November 2022, the Appellant applied for a Canada Pension Plan (CPP) disability pension.<sup>1</sup> She claimed that she was no longer able to work because of complications from surgery to repair a prolapsed bladder. She also said that she suffered from bipolar disease.

[4] Service Canada refused the application after determining that the Appellant did not have a severe and prolonged disability during her coverage period.<sup>2</sup> It determined that the coverage period ended on either (i) May 31, 2004 — before a division of unadjusted pensionable earnings (DUPE) with the Appellant's former husband; or (ii) December 31, 2005 — after the DUPE.<sup>3</sup>

[5] The Appellant appealed the Minister's refusal to the Social Security Tribunal. The Tribunal's General Division held a hearing and dismissed the appeal. It acknowledged that the Appellant had medical problems, but it didn't find enough evidence to show that they prevented her from working before 2006. In particular, it noted that the Appellant earned more than \$23,000 in 2010.

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<sup>1</sup> See Appellant's application for a CPP disability pension dated November 15, 2022, GD2-35.

<sup>2</sup> 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. See the Appellant's record of earnings and contributions at GD2-6.

<sup>3</sup> When a couple divorces or separates, they can apply for their CPP credits to be split equally between them. This is called a DUPE.

[6] The Appellant then asked the Appeal Division for permission to appeal. Last year, one of my colleagues allowed her appeal to proceed on the grounds that the General Division might have made an error of law in coming to its decision.

[7] Last month, the Appellant submitted a report from her longtime psychiatrist. Dr. Azadian.<sup>4</sup> The Minister's representative then requested a settlement conference to discuss a potential resolution to this appeal. At the conference, the parties reached an agreement, and they have asked me to prepare a decision that reflects that agreement.

## **Agreement**

[8] The Minister conceded that the Appellant had a severe and prolonged disability during her pre-DUPE coverage period. The Minister accepted Dr. Azadian's evidence that the Appellant suffered from bipolar disorder before May 31, 2004 and had continued to do so ever since.<sup>5</sup>

[9] The Appellant expressed her agreement with these statements.

[10] Having reviewed the record, I am endorsing the parties' agreement for the following reasons:

- Dr. Azadian confirmed that he first saw the Appellant in March 2004, at which time she displayed bipolar symptoms and suicide ideation.<sup>6</sup>
- Letters from her family indicated that the Appellant was able to earn substantially gainful amounts in 2009–10 only because she was in a manic phase, characterized by increased energy and decreased need for sleep. Her return to work was not evidence of functionality.
- Given her mental health condition, the Appellant, who speaks little English and who was in her mid-40s at the time, has been effectively unemployable since the end of her coverage period.

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<sup>4</sup> See letter dated April 14, 2025 by Dr. Abbas Azadian, psychiatrist, AD8-4.

<sup>5</sup> Refer to the recording of the settlement conference held on May 16, 2025.

<sup>6</sup> See Dr. Azadian's letter dated April 14, 2025, AD8-4.

- The Appellant has taken reasonable steps to seek treatment, including several rounds of counselling and multiple trials of psychotropic drugs, all to limited effect.

## Conclusion

[11] I hereby allow the appeal in accordance with the parties' agreement. Since the Minister received the Appellant's application for benefits in November 2022, the Appellant is deemed disabled as of August 2021.<sup>7</sup> That means the effective start date of the Appellant's CPP disability pension is December 2021.<sup>8</sup>



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Member, Appeal Division

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<sup>7</sup> Under section 42(2)(b) of the *Canada Pension Plan*, a person cannot be deemed disabled more than 15 months before the Minister received the application for a disability pension.

<sup>8</sup> According to section 69 of the *Canada Pension Plan*, payments start four months after the deemed date of disability.