



Citation: *AM v Minister of Employment and Social Development*, 2025 SST 664

Social Security Tribunal of Canada

Appeal Division

Decision

Appellant:

A. M.

Representative:

Maryna Gorge

Respondent:

Minister of Employment and Social Development

Representatives:

Nathan Beck and Dylan Edmonds

Decision under appeal:

General Division decision dated August 28, 2024
(GP-24-809)

Tribunal member:

Neil Nawaz

Type of hearing:

In writing

Decision date:

June 20, 2025

File number:

AD-24-800

Decision

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

Overview

[2] The Appellant is a 42-year-old former restaurant co-owner and operator who was diagnosed with breast cancer in 2022. She subsequently underwent a double mastectomy.

[3] The Appellant applied for a Canada Pension Plan (CPP) disability pension in August 2023.¹ She claimed that she was no longer able to work because of the after-effects of her breast cancer treatments.

[4] The Minister refused the application after determining that the Appellant did not have any CPP disability coverage.² The Appellant appealed the Minister's refusal to the Social Security Tribunal.

[5] The Tribunal's General Division held a hearing and dismissed the appeal. It found, like the Minister, that the Appellant lacked coverage. In particular, it found that she did not have, as required, at least four years of valid CPP contributions over the previous six years.

[6] The Appellant then asked the Appeal Division for permission to appeal. Last year, one of my colleagues allowed the Appellant's appeal to proceed because she had produced additional evidence — a notice of reassessment from the Canada Revenue Agency indicating that she had refiled her income tax return for 2021 and remitted CPP contributions for that year.

¹ See the Appellant's application for a CPP disability pension completed on August 1, 2023, GD2-93.

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. See the Appellant's most recent record of earnings and contributions at GD15-17.

[7] After reviewing this new evidence, the Minister accepted that the Appellant now had CPP disability coverage up to the end of 2025.³ At the same time, the Minister asked the Appellant for more medical information, having already solicited additional records from her treatment providers.

[8] That information began arriving last month.⁴ In response, the Minister requested a settlement conference to see if this matter could be resolved in advance of the upcoming hearing.⁵

[9] At the settlement conference, the parties reached an agreement.⁶ They have asked me to prepare a decision that reflects that agreement.

Agreement

[10] The Minister conceded that the Appellant suffers from chronic pain and related psychological problems as a result of her breast cancer and the treatments for her breast cancer. The Minister acknowledged that the Appellant has had a severe and prolonged disability since January 2023.

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

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

- The Appellant was diagnosed with breast cancer and has undergone a double mastectomy, followed by reconstruction and adjuvant chemotherapy.
- Since then, she has suffered from chronic pain and persistent depression, neither of which has been adequately addressed by medication.
- Given her age, education, and work experience, the Appellant is effectively unemployable.

³ See the Tribunal's case conference summary letter dated December 12, 2024, AD3.

⁴ See material submitted to the Tribunal on May 21, 2025 (AD13) and June 12, 2015 (AD17).

⁵ See the Minister's request for a settlement conference dated June 18, 2025, AD18.

⁶ Refer to the recording of the final part of the settlement conference held on June 20, 2025.

- The Appellant's reported income in 2023 and 2024 reflects failed work attempts or passive earnings from her interest in a restaurant (sold as of June 2024) jointly owned with her husband.

Conclusion

[13] I hereby allow the appeal in accordance with the parties' agreement. The Appellant became disabled as of January 2023. That means the effective start date of her CPP disability pension is May 2023.⁷



Member, Appeal Division

⁷ According to section 69 of the *Canada Pension Plan*, payments start four months after the deemed date of disability.