

Reasons for Decision:

Order # AP1819-0654

On <date removed>, <name removed> filed an appeal of the Director's decision to require them to apply for Canada Pension Plan (CPP) Retirement benefits. The decision was communicated in a letter dated <date removed>.

At the hearing, the Department asserted Employment and Income Assistance is a program of last resort, and noted the nature of the program is established in part by Section 12.1(2) of The Manitoba Assistance Act Regulation, which states

An applicant or recipient and the applicant's or recipient's spouse or common-law partner shall make all reasonable efforts on behalf of himself or herself and any dependents to obtain the maximum amount of compensation, benefits or contribution to support and maintenance that may be available under another Act or program, including an Act of Canada or a program provided by the Government of Canada.

The Department stated CPP Retirement benefits meet the definition of a benefit available under an Act of Canada. As most individuals who have contributed to the CPP are eligible for retirement benefits at age 60, Section 12.1(2) requires those individuals to apply for the benefits if they are receiving income assistance.

The Department told the Board the letter sent to the appellant was a standard letter sent to all income assistance recipients approaching age 60.

<name removed> told the Board they contacted the Canada Pension Plan office about the application process and the level of benefits they might receive. The appellant stated the amount they will receive now is significantly less than the amount they will receive if they applies at age 64. The appellant stated they would prefer to apply at age 64.

<name removed> noted they are looking for work, and stated they did not want to receive a pension while working. The appellant told the Board they were optimistic their job search would be successful.

The Department suggested <name removed> could cancel their CPP application if they obtain work before the application is processed. If <name removed> returns to work after the pension payments begin, they might be eligible for the Post-Retirement Benefit at age 65.

The Board notes the requirement to access CPP Retirement benefits is set out in the

Regulation, with no provision for discretion. In previous appeals, the Board upheld the requirement to apply for CPP benefits based on the Regulation.

Based on a careful review of the written and verbal evidence, the Board determines the Department's requirement that <name removed> apply for CPP Retirement benefits at the age 60 was consistent with the legislation and regulations, and confirms the Director's decision.

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