

Federal Court of Appeal



Cour d'appel fédérale

Date: 20191029

Docket: A-352-18

Citation: 2019 FCA 268

**CORAM: WEBB J.A.
NEAR J.A.
LASKIN J.A.**

BETWEEN:

TREVOR PARSONS

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Halifax, Nova Scotia, on October 29, 2019.
Judgment delivered from the Bench at Halifax, Nova Scotia, on October 29, 2019.

REASONS FOR JUDGMENT OF THE COURT BY:

WEBB J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Halifax, Nova Scotia, on October 29, 2019).

WEBB J.A.

[1] The applicant, Mr. Trevor Parsons, seeks judicial review of a decision of the Appeal Division of the Social Security Tribunal (SST), dated July 3, 2018, dismissing his appeal from a decision of the General Division dated December 22, 2016, which had found that the applicant did not qualify for a Canada Pension Plan (CPP) disability pension.

[2] The Appeal Division conducted its own assessment of the evidence and concluded that there was no evidence to suggest the applicant developed a severe disability during the proration period (January 1, 2006 to October 31, 2006) (or before then), and that the applicant had worked on a full-time basis after the minimum qualifying period end date (December 31, 2005) and after the proration period. It accordingly found that while there were shortcomings in the General Division's analysis, its overall findings were nevertheless consistent with the preponderance of the evidence. The Appeal Division concluded that there was no basis for intervention with the General Division's decision under subsection 58(1) of the *Department of Employment and Social Development Act*, S.C. 2005, c. 34 (the Act) and dismissed the appeal.

[3] Despite the clear and candid submissions of the applicant, we are of the view that the Appeal Division did not commit any error that would warrant our intervention.

[4] Therefore, this application for judicial review is dismissed without costs.

"Wyman W. Webb"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

**APPEAL FROM A DECISION OF THE APPEAL DIVISION OF THE SOCIAL
SECURITY TRIBUNAL OF CANADA DATED JULY 3, 2018, TRIBUNAL FILE NO.
AD-17-94**

DOCKET: A-352-18

STYLE OF CAUSE: TREVOR PARSONS v.
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: Halifax, Nova Scotia

DATE OF HEARING: OCTOBER 29, 2019

REASONS FOR JUDGMENT OF THE COURT BY: WEBB J.A.
NEAR J.A.
LASKIN J.A.

DELIVERED FROM THE BENCH BY: WEBB J.A.

APPEARANCES:

Tammy Wohler FOR THE APPLICANT

John Unrau FOR THE RESPONDENT

SOLICITORS OF RECORD:

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Halifax, Nova Scotia

Nathalie G. Drouin FOR THE RESPONDENT
Deputy Attorney General of Canada