



Citation: *HZ v Minister of Employment and Social Development*, 2023 SST 1769

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant: H. Z.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated September 1, 2016
(GP-15-484)

Tribunal member: Jude Samson

Decision date: December 11, 2023

File number: AD-23-927

Decision

[1] The Claimant, H. Z., was late submitting his application to the Appeal Division. Unfortunately, I cannot give him more time to submit his application. This means that his application cannot proceed and the Appeal Division will close his file.

Overview

[2] The Claimant applied for a retirement pension under the *Canada Pension Plan*.

[3] The Minister of Employment and Social Development (Minister) denied the Claimant's application because he's under 60 years old.¹ The Claimant appealed the Minister's decision to the Tribunal's General Division, but it summarily dismissed his appeal on September 1, 2016. In other words, it dismissed the appeal without a hearing.

[4] The Tribunal received letters from the Claimant on October 3, 2023. While the Claimant hasn't used the Tribunal's "Application to the Appeal Division" form, his letters explain why he disagrees with the General Division decision. As a result, I'm considering his letters as an application to the Appeal Division.

Issues

[5] This decision focuses on two issues:

- a) Was the Claimant's application to the Appeal Division late?
- b) Can I give the Claimant more time for filing the application?

Analysis

The Claimant's application was late

[6] On December 5, 2022, important changes were made to the law that governs the Tribunal.² Among those changes, Parliament removed the General Division's power to

¹ See section 44(1)(a) of the *Canada Pension Plan*, which allows people to receive a retirement pension from 60 years of age, but not younger.

² See Part 4, Division 20 of the *Budget Implementation Act, 2021, No. 1*.

summarily dismiss an appeal.³ And for people who had already received a summary dismissal decision from the General Division, it set a new deadline for filing an application to the Appeal Division: March 6, 2023.⁴

[7] The Tribunal received the Claimant's application on October 3, 2023, so it was late.⁵

I cannot give the Claimant more time to file his application

[8] When Parliament changed the law, it didn't give the Appeal Division any flexibility to accept late applications from summary dismissal decisions. This means I don't have the power to give the Claimant more time to file his application.

Conclusion

[9] I cannot give the Claimant more time for filing his application to the Appeal Division. As a result, his application will not proceed and the Appeal Division will close his file.

Jude Samson
Member, Appeal Division

³ See section 224 of the *Budget Implementation Act, 2021, No. 1*.

⁴ This is 90 days after December 5, 2022: see section 240(1) of the *Budget Implementation Act, 2021, No. 1* and PC 2022-1266.

⁵ See document AD1 in the appeal record.