



Citation: *NT v Minister of Employment and Social Development*, 2024 SST 1320

**Social Security Tribunal of Canada  
General Division – Income Security Section**

**Decision**

**Appellant:** N. T.

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

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**Decision under appeal:** Minister of Employment and Social Development  
reconsideration decision dated May 8, 2023 (issued by  
Service Canada)

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**Tribunal member:** Michael Medeiros

**Decision date:** July 22, 2024

**File number:** GP-24-994

## Decision

[1] The appeal won't go ahead. This decision explains why.

## Overview

[2] The Appellant applied for a Canada Pension Plan (CPP) survivor's pension on November 1, 2022. The Minister of Employment and Social Development (Minister) refused her application. She asked it to reconsider. On May 8, 2023, the Minister reconsidered its decision and refused the application again.

[3] The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on May 28, 2024.

## What I have to decide

[4] I have to decide whether the Appellant appealed in time.

## Reasons for my decision

[5] The appeal won't go ahead because the Appellant didn't appeal to the Tribunal in time. Here are the reasons for my decision.

## What the law says

[6] If an appellant disagrees with the Minister's reconsideration decision, they have to appeal to the Tribunal within 90 days after the Minister told them about the decision.<sup>1</sup>

[7] If the appellant appeals after the deadline, the Tribunal can give them more time (accept the late appeal). But **in no case** can the appellant appeal a reconsideration decision more than one year after the Minister told them about it.<sup>2</sup>

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<sup>1</sup> See section 52(1) of the *Department of Employment and Social Development Act* (DESD Act).

<sup>2</sup> See section 52(2) of the DESD Act.

## **The Appellant's appeal was more than one year late**

[8] I find that the Appellant's appeal was more than one year late.

### **– The Minister told the Appellant about its decision on May 8, 2023**

[9] The Minister told the Appellant about its reconsideration decision in a letter dated May 8, 2023. The Appellant said in her notice of appeal that she received the decision on May 8, 2023.<sup>3</sup>

### **– The Appellant had to appeal by May 8, 2024**

[10] The Appellant had until May 8, 2024, to appeal to the Tribunal.

[11] The Appellant appealed on May 28, 2024.

[12] The Tribunal doesn't have equitable jurisdiction. This means I can't allow the appeal to go ahead because I think it would be fair, or because I want to help the Appellant in difficult circumstances. I have to follow the law.

## **Conclusion**

[13] The Appellant appealed more than one year after the Minister told her about its decision.

[14] This means the appeal won't go ahead.

Michael Medeiros  
Member, General Division – Income Security Section

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<sup>3</sup> See GD1-1.