

Citation: *C. B. v. Minister of Employment and Social Development*, 2015 SSTAD 80

Appeal No: AD-14-516

BETWEEN:

**C. B.**

Appellant

and

**Minister of Employment and Social Development  
(formerly Minister of Human Resources and Skills Development)**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION  
Appeal Division – Appeal Decision**

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SOCIAL SECURITY TRIBUNAL MEMBER: Valerie Hazlett Parker

DATE OF DECISION: January 20, 2015

TYPE OF HEARING: On the Written Record

## **DECISION**

[1] The Appeal is granted and the matter is referred to the General Division for reconsideration.

## **INTRODUCTION**

[2] On May 15, 2014 the General Division of the Social Security Tribunal refused to grant the Appellant an extension of time to file an appeal regarding her *Canada Pension Plan* disability pension application. She sought leave to appeal from this decision, which was granted by the Appeal Division of the Tribunal on November 17, 2014. Leave to appeal was granted on the basis that the General Division did not consider answers to written questions that were filed with the Tribunal within the time required by the General Division Member who posed the written questions.

[3] The *Social Security Tribunal Regulations* provide that parties may file written submissions to support their claim within 45 days of leave to appeal being granted. During this time the Appellant filed further medical reports with the Tribunal to support her claim. The Respondent requested additional time to file its submissions, which was granted. The Respondent then did not oppose the matter being referred to the General Division for reconsideration on the issue of granting an extension of time for filing an appeal to the General Division.

## **ANALYSIS**

[4] Section 59 of the *Department of Employment and Social Development Act* provides that the Appeal Division may dismiss an appeal, give the decision that the General Division should have given, refer the matter back to the General Division for reconsideration in accordance with any directions that the Appeal Division considers appropriate or confirm, rescind or vary the decision of the General Division in whole or in part.

[5] In this case the Appellant did not specify what remedy she sought on the appeal. The Respondent did not oppose this matter being referred to the General Division for reconsideration. I have examined the materials filed before the General Division, and the submissions made by the parties in support of the Application for Leave to Appeal and in support of the Appeal. I am satisfied that the issue of whether the Appellant should be granted an extension of time to file an appeal with the General Division should be reconsidered by the General Division, taking into consideration the responses to the written questions posed by the General Division, the additional medical evidence that has been filed with the Tribunal, and any other relevant evidence and argument. The matter should be considered by a different Member of the General Division of the Social Security Tribunal.

*Valerie Hazlett Parker*  
Member, Appeal Division