



Citation: *SE v Minister of Employment and Social Development*, 2022 SST 444

## **Social Security Tribunal of Canada Appeal Division**

# **Extension of Time and Leave to Appeal Decision**

**Applicant (Claimant):** S. E.  
**Respondent:** Minister of Employment and Social Development

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**Decision under appeal:** General Division decision dated December 24, 2020  
(GP-20-827)

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**Tribunal member:** Kate Sellar  
**Decision date:** May 30, 2022  
**File number:** AD-22-294

## **Decision**

[1] I am refusing the Claimant an extension of time to apply for leave (permission) to appeal. The appeal will not proceed.

## **Overview**

[2] S. E. (Claimant) applied for a Canada Pension Plan (CPP) disability pension. The Minister of Employment and Social Development Canada (Minister) refused the application initially and on reconsideration.

[3] The Claimant appealed to this Tribunal. On December 24, 2020, the General Division decided that the Claimant was not eligible for a disability pension.

[4] The Claimant requests leave to appeal the General Division's decision. I must decide whether the Claimant is eligible for an extension of time to appeal.

[5] The Claimant is more than one year late, and I cannot extend the time to appeal. The appeal will not go ahead.

## **Issues**

[6] The issues in this appeal are as follows:

- a) Was the Claimant's application for leave to appeal (application) to the Appeal Division late?
- b) If so, can I extend the time for filing the application?

## **Analysis**

### **The application is late**

[7] The General Division wrote a decision on December 24, 2020, stating that the Claimant was not entitled to the disability pension. The Claimant says he received the

General Division's decision on December 24, 2020.<sup>1</sup> He requested leave to appeal on May 19, 2022.<sup>2</sup>

[8] When a Claimant files an application for leave to appeal more than 90 days after the day the Tribunal communicates the General Division decision, the application is late.<sup>3</sup>

### **I can't extend the time for filing the application**

[9] I don't have the power to grant an extension of time for the Claimant's late application.

[10] The law says that an application cannot proceed for any reason if the Claimant files it more than one year after the Tribunal communicates the General Division decision.<sup>4</sup>

[11] The Claimant is more than one year late in asking for leave to appeal. The Claimant explained that he was late because of his disabilities. However, I can't consider that explanation. The Claimant is more than one year late. When Claimants pass that one-year mark, I cannot allow the application to proceed for any reason.

### **Conclusion**

[12] I am refusing the Claimant an extension of time. This means that the appeal will not go ahead.

Kate Sellar  
Member, Appeal Division

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<sup>1</sup> See AD1-1.

<sup>2</sup> See AD1.

<sup>3</sup> See section 57(1)(b) of the *Department of Employment and Social Development Act (Act)*.

<sup>4</sup> See section 57(2) of the Act.