



Citation: *GP v Minister of Employment and Social Development*, 2022 SST 1360

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant (Claimant):	G. P.
Respondent:	Minister of Employment and Social Development
<hr/>	
Decision under appeal:	General Division decision dated September 20, 2021 (GP-20-853)
<hr/>	
Tribunal member:	Kate Sellar
Decision date:	November 23, 2022
File number:	AD-22-843

Decision

[1] I am refusing the extension of time to apply for leave (permission) to appeal. The appeal will not go ahead. These reasons explain why.

Overview

[2] G. P. (Claimant) has fibromyalgia and rheumatoid arthritis. Both of these conditions are painful and affect the Claimant's daily life in lots of ways. The Claimant last worked at a tax return service in 1988 or 1989.

[3] The Claimant applied for a CPP disability pension in June 2018. The Minister of Employment and Social Development (Minister) refused her application initially and on reconsideration. The Claimant appealed to this Tribunal.

[4] The General Division decided that the Claimant wasn't able to show that her disability was severe by December 31, 1997 (the last day of her coverage period based on her contributions to the Canada Pension Plan).

Issues

[5] The issues are:

- a) Was the application to the Appeal Division late?
- b) If so, can I extend the time for filing the application?

Analysis

The application was late

[6] The General Division decision is dated September 20, 2021 and the Claimant confirms that she received it on September 21, 2021.¹

¹ See AD1-2.

[7] The Claimant sent some documents to Service Canada that they received on October 3, 2022, which they returned to her along with a letter dated October 21, 2022.²

[8] The Claimant had 90 days from the day the General Division communicated its decision to ask for permission to appeal at the Appeal Division.³

[9] The Appeal Division received her application for permission to appeal on November 15, 2022, long after the end of the 90-day timeline.⁴ The application is late.

I cannot extend the time for filing the application

[10] I do not have the power to grant the Claimant an extension of time to appeal. The law says that I cannot give an extension of time for any reason if the claimant makes the application more than a year after the Tribunal communicates the General Division decision.⁵

[11] The Claimant's application to the Appeal Division arrived more than a year after the Tribunal communicated the General Division decision to the Claimant.

[12] The Claimant provided some reasons why she was late. She lost some time because she communicated with Service Canada first instead of the Tribunal, but even Service Canada received her documents outside the one-year time limit. She has had a death in her immediate family as well as significant medical challenges.

[13] The law does not allow me to give the extension of time for any reason because the Claimant's application was more than one year late.

[14] I cannot consider giving the Claimant permission to appeal because first she needs an extension of time. The application is too late to qualify for an extension of time. The appeal will not go ahead.

² See AD1-28.

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

⁴ See AD1.

⁵ See section 57(2) of the Act.

Conclusion

[15] An extension of time is refused. This means that the appeal will not proceed.

Kate Sellar
Member, Appeal Division