



Citation: *MA v Minister of Employment and Social Development*, 2023 SST 1689

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant:	M. A.
Representative:	Elizabeth L. Moniz
Respondent:	Minister of Employment and Social Development

Decision under appeal:	General Division decision dated December 15, 2022 (GP-21-1607)
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Tribunal member:	Kate Sellar
Decision date:	November 27, 2023
File number:	AD-23-948

Decision

[1] I'm refusing an extension of time to apply to the Appeal Division. The appeal will not proceed. These are the reasons for my decision.

Overview

[2] M. A. (Claimant) applied for a *Canada Pension Plan* (CPP) disability pension in January 2020. The Minister of Employment and Social Development refused the application initially and on reconsideration. The Claimant appealed to this Tribunal.

[3] The General Division allowed the Claimant's appeal, finding that the Claimant was eligible for the disability pension. Payments were to start in February 2019.

[4] The Claimant asked for permission to appeal the General Division decision.

Issues

[5] The issues in this appeal are:

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

Analysis

The application was late.

[6] The Claimant had 90 days from the date the General Division communicated its decision to request permission to appeal at the Appeal Division.¹

[7] The General Division decision is dated December 15, 2023. The Claimant does not remember when he received it.² The Tribunal appears to have sent the decision to

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

² See AD1-4.

the Claimant's paralegal by email on December 15, 2023. The Claimant appealed on October 11, 2023.³

[8] The application was past 90 days from when it appears that the paralegal received it.

[9] The application was late.

I'm not extending the time for filing the application.

[10] When deciding whether to grant an extension of time, I must consider whether the Claimant has a reasonable explanation for why the application is late.⁴

[11] In my view, the Claimant hasn't provided a reasonable explanation for the lateness. He did not provide any explanation when he filed the request for permission to appeal. In a letter dated October 25, 2023, I requested he provide an explanation. The Claimant didn't respond.

[12] Without a reasonable explanation for being late, I cannot grant the extension of time the Claimant needs to appeal.

[13] In any event, it seems that the Claimant was successful at the General Division. The General Division decided that his disability became severe and prolonged by January 2007. However, the earliest he could be considered disabled for the purpose of payment was 15 months before he applied.⁵ After that, there is a four-month waiting period before the payments start.⁶

[14] It seems that the General Division allowed for the pension payments to start as early as the law allows for the Claimant, which in this case was February 2019. The

³ See the Tribunal's date stamp at the bottom of the page on AD1.

⁴ It says this in section 27(2) of the *Social Security Tribunal Rules of Procedure*.

⁵ See section 42(2)(b) of the *Canada Pension Plan (CPP)*.

⁶ See section 69 of the CPP.

Claimant turned 65 in August 2020, and at the age of 65, the CPP disability pension is automatically changed to a CPP retirement pension.

[15] The Claimant's application for permission to appeal raises no argument about any specific error that the General Division might have made. The Appeal Division wrote to the Claimant to give him an opportunity to explain the reason for his appeal, but he didn't respond.

Conclusion

[16] I've refused to give the Claimant an extension of time to appeal. This means that the appeal will not proceed.

Kate Sellar
Member, Appeal Division