



Citation: *SP v Minister of Employment and Social Development*, 2024 SST 227

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant: S. P.
Representative: N. P.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated December 28, 2022
(GP-21-1471)

Tribunal member: Kate Sellar

Decision date: **March 6, 2024**

File number: AD-24-125

Decision

[1] I'm refusing to give the Claimant an extension of time to apply to the Appeal Division. The application won't proceed. These are the reasons for my decision.

Overview

[2] S. P. (Claimant) applied for a Canada Pension Plan (CPP) disability pension in December 2020. The Minister of Employment and Social Development (Minister) refused his application initially and in a reconsideration decision. The Claimant appealed to this Tribunal.

[3] The General Division dismissed the appeal on December 28, 2022. The General Division found that the Claimant didn't show that his disability was severe within the meaning of the CPP by December 20, 2022 (the date of the hearing).

Issues

[4] The issues in this appeal are:

- a) Was the application to the Appeal Division late?
- b) Can I extend the time for filing the application?

Analysis

The application to the Appeal Division was late

[5] The General Division decision was dated December 28, 2022. The Claimant says he doesn't remember when he received it.¹ It looks like the Tribunal sent the decision to the Claimant by email on December 29, 2022.

¹ See AD1-2.

[6] The Claimant says that he faxed an appeal to the Appeal Division sometime between March 21, 2023 and March 23, 2023. He doesn't have a record of the fax transmission, nor does the Tribunal.²

[7] It seems that the Claimant's MP's office was in touch with the Tribunal by phone in late November 2023 and early December 2023. On February 2, 2024, the Claimant contacted the Tribunal to state that he faxed an appeal and had never heard back from the Tribunal.

[8] Ultimately, the Appeal Division received an application from the Claimant on February 12, 2024.

I cannot extend the time for filing the application

[9] I don't have the power to grant an extension of time. The law says an application cannot proceed under **any circumstance** if the claimant applies more than a year after the General Division communicated its decision.³

[10] I find that the General Division communicated its decision to the Claimant by email on December 29, 2022. I find that the Claimant appealed on February 12, 2024. I cannot find that the Claimant appealed any sooner. I have no record of the Tribunal receiving the fax the Claimant says he sent in March 2023. Accordingly, the Claimant's application is past the one-year mark, and I cannot allow it to go ahead.

Conclusion

[11] I haven't given the Claimant an extension of time to apply to the Appeal Division. This means that the application won't proceed.

Kate Sellar
Member, Appeal Division

² See AD1B-1.

³ See section 57(2) in the *Department of Employment and Social Development Act*.