



Citation: *WS v Minister of Employment and Social Development*, 2024 SST 434

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant: W. S.
Representative: C. S.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated August 9, 2022
(GP-21-2439)

Tribunal member: Kate Sellar

Decision date: April 26, 2024

File number: AD-24-312

Decision

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

Overview

[2] The Claimant last worked as a warehouse labourer. He stopped working in April 2020 because of diabetes, high blood pressure, and multiple sclerosis (MS). The Claimant applied for a CPP disability pension on December 24, 2020. The Minister of Employment and Social Development (Minister) refused his application. The Claimant appealed to this Tribunal.

[3] To be eligible for the disability pension, the Claimant had to show that his disability was severe and prolonged on or before December 31, 2015 (the last day of his coverage period). The coverage period is calculated based on the Claimant's contributions to the CPP (it's the last date that he had valid contributions in 4 out of 6 years). The General Division decided that the Claimant's disability worsened over time, but he didn't have a severe and prolonged disability by the end of his coverage period.

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 was late

[5] The decision from the General Division is dated August 9, 2022. The Claimant says that he doesn't remember when he received the General Division decision.¹ The Tribunal's files suggest that the General Division emailed its decision to the Claimant on

¹ See AD1-3.

August 10, 2022. The Claimant asked the Appeal Division for permission to appeal on April 24, 2024.

[6] I'm satisfied that the General Division communicated its decision on August 10, 2022. The Claimant's filed his request for permission to appeal more than a year later, in April 2024.

[7] The Claimant's application was late.

I cannot extend the time for filing the application

[8] I don't have the power to grant an extension of time. The law says that an application to the Appeal Division cannot proceed for any reason if it was made more than a year after the General Division communicated its decision.²

[9] The Claimant's application arrived more than a year after the General Division communicated its decision. The Claimant isn't arguing about the date that he received the General Division decision, or the date that he eventually filed his appeal at the Appeal Division. There is no argument here about whether he is actually more than a year late. Accordingly, there's nothing more for me to consider: the law says I cannot grant an extension and the application cannot proceed.

Conclusion

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

Kate Sellar
Member, Appeal Division

² This is found in section 57(2) of the *Department of Employment and Social Development Act*.