



Citation: *DC v Minister of Employment and Social Development*, 2025 SST 1296

Social Security Tribunal of Canada Appeal Division

Extension of Time and Leave to Appeal Decision

Applicant: D. C.

Representative: C. C.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated July 3, 2025
(GP-25-753)

Tribunal member: Kate Sellar

Decision date: December 9, 2025

File number: AD-25-704

Decision

[1] I gave the Claimant, D. C., an extension of time to apply to the Appeal Division. However, I'm refusing to give the Claimant leave (permission) to appeal the General Division decision. This means the appeal will not proceed. These are the reasons for my decision.

Overview

[2] The Claimant applied for a Canada Pension Plan (CPP) disability pension on February 10, 2023. The Minister of Employment and Social Development (Minister) refused the application initially and in a reconsideration letter dated February 9, 2024.

[3] The Claimant appealed to this Tribunal on May 5, 2025. The General Division explained that the appeal wouldn't go ahead because the Claimant filed the appeal more than a year after the Minister communicated the reconsideration letter to him.

Issues

[4] 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?
- c) Is there an arguable case that the General Division made any error in its decision that would justify giving the Claimant permission to appeal?
- d) Does the application set out evidence that wasn't presented to the General Division?

Analysis

The application to the Appeal Division was late

[5] The General Division decision is dated July 3, 2025. The Claimant had 90 days from when the Tribunal communicated the General Division decision to make an application requesting permission to appeal.¹

[6] I have the authority to give the Claimant an extension of time at the Appeal Division if he appealed less than a year after the General Division communicated its decision.² The Claimant made the application to the Appeal Division on October 29, 2025.

[7] The application at the Appeal Division was late, but I'm extending the time.

I'm extending the time for filing the application at the Appeal Division.

[8] When deciding whether to grant an extension of time, I have to consider whether the Claimant has a reasonable explanation for why the application to the Appeal Division is late.³

[9] The Claimant explained that he was late because instead of appealing to the Appeal Division, he sent additional documents to the Minister by mistake.⁴ As proof, he provided a copy of the letter he got from the Minister dated October 1, 2025 returning his documents to him and reminding him that the General Division issued a decision on July 3, 2025.⁵ The letter said he had 90 days to appeal to the Appeal Division.

[10] While it would have been better to request permission to appeal sooner, I understand that the Claimant made a mistake and sent information to the Minister. Once he learned of it, he acted quickly to fix his mistake: he sent the appeal by mail, and the Tribunal received it October 29, 2025.

¹ It says this in section 57(1)(b) in the *Department of Employment and Social Development Act* (Act).

² See section 57(2) in the Act.

³ It says this in section 27(2) of the *Social Security Tribunal Rules of Procedure*.

⁴ See AD1-9.

⁵ See AD1-14.

[11] The Claimant's explanation for the delay is reasonable. I'm accepting the late application and proceeding to the next step.

I'm not giving the Claimant permission to appeal the General Division decision.

[12] I can give the Claimant permission to appeal if the application raises an arguable case that the General Division:

- didn't follow a fair process;
- acted beyond its powers or refused to exercise those powers;
- made an error of law;
- made an error of fact; or
- made an error applying the law to the facts.⁶

[13] I can also give the Claimant permission to appeal if the application sets out evidence that wasn't presented to the General Division.⁷

[14] Since the Claimant hasn't raised an arguable case and hasn't set out new evidence, I must refuse permission to appeal.

There's no arguable case that the General Division made an error that would justify giving the Claimant permission to appeal.

[15] The Claimant is appealing the General Division decision because he has a disability, and he says he's eligible for the disability pension. His doctor took a long time to respond to requests for medical evidence which was not within his control.⁸

⁶ See section 58.1(a) and (b) in the Act.

⁷ See section 58.1 (c) in the Act.

⁸ See AD1 and AD1B.

[16] I gave the Claimant more time to explain what errors the General Division might have made in its decision. The Claimant's representative explained that the Claimant is disabled, and his health is worsening and he cannot work.⁹

– **The General Division explained why that appeal couldn't go ahead.**

[17] The General Division explained the law says that **in no case** can an appeal go ahead there if the Claimant files it more than a year after the Minister communicates the reconsideration letter.¹⁰

[18] In this case, the General Division explained the reconsideration letter is dated February 9, 2024. The Claimant received it on February 14, 2024 (because he wrote the date he received it on the decision itself and sent it back to the Minister asking for a second reconsideration).¹¹

[19] The Claimant appealed more than a year later, on May 5, 2025.¹²

[20] Accordingly, the Claimant's appeal couldn't go forward – he filed it too late.

– **The Claimant hasn't raised an arguable case for an error in the General Division decision.**

[21] The Claimant hasn't argued that the General Division made any error about the facts (that is, whether he was past the one-year deadline). He hasn't argued that the General Division got the law wrong about the one-year deadline, or that the General Division made a mistake about its powers. The Claimant hasn't raised an argument that the General Division didn't provide him with a fair process.

[22] Accordingly, the Claimant hasn't raised any argument about any possible error by the General Division. Accordingly, I can't give the Claimant permission to appeal based on any possible error by the General Division.

⁹ See AD1 and AD1B.

¹⁰ See paragraphs 6 and 7 in the General Division decision

¹¹ See paragraphs 9 to 11 in the General Division decision.

¹² See paragraph 15 in the General Division decision.

There's no new evidence that would justify giving the Claimant permission to appeal.

[14] The Claimant provided additional medical evidence in support of his appeal as follows:

- a letter from his family doctor dated September 5, 2025 about his disabilities;¹³
- a letter dated June 20, 2025 about his hearing loss;¹⁴ and
- a medical record summary.¹⁵

[23] The new evidence the Claimant provided is all about his disabilities. However, the Claimant is appealing the General Division decision that found he filed his appeal about his disability too late for it to go ahead. Since the medical documents aren't arguably connected to the issue he's appealing (the lateness), I won't give him permission to appeal based on that new evidence.

[24] The new medical evidence the Claimant provided cannot form the basis for permission to appeal the General Division about the lateness.

[25] I've reviewed the written record.¹⁶ I'm satisfied that the General Division didn't overlook or misunderstand any important evidence that could change the outcome of the decision about the lateness for the Claimant.

Nothing in this decision stops the Claimant from reapplying for the disability pension.

[26] Nothing in this decision stops the Claimant from reapplying for the disability pension with Service Canada. If he doesn't agree with the decision from the Minister, he can ask the Minister for reconsideration. If he isn't happy with the reconsideration

¹³ See AD1-23.

¹⁴ See AD1-24

¹⁵ See AD1-25 to 27.

¹⁶ For more on this kind of review by the Appeal Division, see *Karadeolian v Canada (Attorney General)*, 2016 FC 615.

decision, he can appeal to the General Division. If he doesn't agree with the General Division decision, he can appeal to the Appeal Division. At each level, there are timelines he would need to follow.

Conclusion

[27] I granted the extension of time on the late application to the Appeal Division. I refused to give the Claimant permission to appeal the General Division decision. This means that the appeal will not proceed.

Kate Sellar
Member, Appeal Division