



Citation: *DC v Minister of Employment and Social Development*, 2025 SST 1297

**Social Security Tribunal of Canada
General Division – Income Security Section**

Decision

Appellant: D. C.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated February 9, 2024 (issued by
Service Canada)

Tribunal member: Sarah Sheaves

Decision date: July 3, 2025

File number: GP-25-753

Decision

[1] The appeal won't go ahead. This decision explains why.

Overview

[2] The Appellant applied for CPP disability benefits on February 10, 2023. The Minister of Employment and Social Development (Minister) refused his application. He asked it to reconsider. On February 9, 2024, the Minister reconsidered its decision and refused the application again.¹

[3] The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on May 5, 2025.

What I have to decide

[4] I have to decide whether the Appellant appealed in time.

Reasons for my decision

[5] The appeal won't go ahead because the Appellant didn't appeal to the Tribunal in time. Here are the reasons for my decision.

What the law says

[6] If an appellant disagrees with the Minister's reconsideration decision, they have to appeal to the Tribunal within 90 days after the Minister told them about the decision.²

[7] If the appellant appeals after the deadline, the Tribunal can give them more time (accept the late appeal). But **in no case** can the appellant appeal a reconsideration decision more than one year after the Minister told them about it.³

¹ See GD2-30.

² See section 52(1) of the *Department of Employment and Social Development Act* (DESD Act).

³ See section 52(2) of the DESD Act.

The Appellant's appeal was more than one year late

[8] I find that the Appellant's appeal was more than one year late.

– The Minister told the Appellant about its decision on February 9, 2024

[9] The Minister told the Appellant about its reconsideration decision on February 9, 2024.

[10] The Appellant received the reconsideration decision on February 14, 2024.⁴

[11] The Appellant wrote the date he received the decision on the decision itself. He then sent the decision back to the Minister with his hand-written note on the first page of the decision that said 'we ask that you reconsider your decision'. The Appellant enclosed several attachments with this submission.

[12] The Minister wrote to the Appellant on June 17, 2024.⁵ It confirmed it was unable to reconsider its decision a second time, and that the Appellant must appeal to the Tribunal within 90 days of the reconsideration decision.

[13] Based on this evidence, I find that the Appellant received the Minister's reconsideration decision on February 14, 2024.

– The Appellant had to appeal by February 14, 2025

[14] The Appellant had until February 14, 2025, to appeal to the Tribunal.

[15] The Appellant appealed on May 5, 2025.⁶

[16] The Tribunal doesn't have equitable jurisdiction. This means I can't allow the appeal to go ahead because I think it would be fair, or because I want to help the Appellant in difficult circumstances. I have to follow the law.

⁴ See GD2-12.

⁵ See GD2-10.

⁶ See GD1.

Conclusion

[17] The Appellant appealed more than one year after the Minister told him about its decision.

[18] This means the appeal won't go ahead.

Sarah Sheaves
Member, General Division – Income Security Section