



Citation: *AB v Minister of Employment and Social Development*, 2025 SST 1381

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant: A. B.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated December 13, 2022
(GP-21-2540)

Tribunal member: Kate Sellar

Decision date: **December 29, 2025**

File number: AD-25-808

Decision

[1] The Claimant, A. B., filed his application to the Appeal Division more than a year after the General Division issued its decision. The appeal cannot proceed. These are the reasons for my decision.

Overview

[2] The Claimant last worked as a coach bus driver. He has had a series of injuries to his right shoulder, most recently in December 2019. He last worked his regular job in January 2020. He tried to return to work in 2021.

[3] The Claimant applied for a Canada Pension Plan (CPP) disability pension in October 2021. The Minister of Employment and Social Development (Minister) refused his application initially and in a reconsideration letter. The Claimant appealed to this Tribunal.

[4] In a decision dated December 13, 2022, the General Division dismissed the appeal. The General Division found that the Claimant wasn't able to show that his disability was severe within the meaning of the CPP on or before December 31, 2021 (the last day of his coverage period).

Issues

[5] The issues in this appeal are:

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

Analysis

The application was late

[6] The General Division decision is dated December 13, 2022. The Claimant hasn't argued that there was any delay in receiving that decision from the Tribunal. It appears

that the Tribunal sent the decision to the Claimant by mail and his representative by email on December 13, 2022.

[7] The law says that Claimants have 90 days from the day the General Division communicates its decision to request permission to appeal.¹ The Tribunal can extend the time for a late application. However, **in no case** can the Appeal Division proceed with an appeal the Claimant files more than a year after the General Division communicates its decision.²

[8] The Claimant argues that the decision from the General Division was premature because it was based on incomplete facts. At the time the General Division heard his appeal, he had a pending appeal under workplace safety and insurance legislation for the same disability. He explains he received a favourable decision from a provincial workplace safety and insurance tribunal on that file in May 2025. He attached a copy of that decision to his application.³

[9] The Claimant's appeal cannot move forward. The legislation doesn't allow any appeal to proceed at the Appeal Division when it's filed more than a year after the General Division issues its decision. There's no argument here about whether the Claimant has filed this appeal past that one-year mark.

[10] The legislation doesn't allow me to consider granting any type of exception to that rule based on the reasons for the delay. I understand the Claimant was participating in more than one proceeding about his disability. It seems he had legal representation to assist him to understand the requirements and timelines involved for appealing a General Division decision or for reapplying for the disability pension.

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

² See section 57(2) in the Act.

³ See AD1-14.

Conclusion

[11] The Claimant applied to the Appeal Division more than a year after the General Division communicated its decision. The appeal cannot proceed.

Kate Sellar
Member, Appeal Division