



Citation: *MM v Minister of Employment and Social Development*, 2026 SST 155

Social Security Tribunal of Canada Appeal Division

Extension of Time and Leave to Appeal Decision

Applicant: M. M.
Representative: A. M.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated October 6, 2025
(GP-25-1225)

Tribunal member: Glenn Betteridge

Decision date: March 4, 2026

File number: AD-26-60

Decision

[1] I'm giving M. M. an extension of time to file his application to appeal the General Division decision.

[2] But I'm refusing leave (permission) to appeal the General Division decision. This means his appeal won't go forward.

Overview

[3] M. M. is the Claimant. He has applied for permission to appeal a General Division decision.¹ He applied late—after the 90-day deadline. But I have extended the time for him to file his application to appeal (application).

[4] The General Division decided his *Canada Pension Plan* (CPP) disability pension appeal could not go ahead. It found a year had passed since he received the Minister's reconsideration decision. Then it followed the law that says a person can't appeal when one year has passed.²

[5] The Claimant says the General Division member was biased. He explains he filed his General Division appeal late because of health conditions. And he's challenging the Minister's decision denying him a disability pension.³ He sent medical evidence with his application.

[6] Unfortunately for the Claimant, I can't give him permission to appeal. He hasn't shown an arguable case the General Division was biased. And the medical evidence doesn't meet the test for new evidence.

¹ The Claimant's application is three documents: AD1, AD1A, and AD1B.

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

³ See AD1-7 and AD1-10.

Issues

[7] I will decide four issues.

- Was the Claimant late filing his application?
- If so, has he given a reasonable explanation that lets me extend the time to file his application?
- Has he shown an arguable case the General Division member was biased?
- Can I give him permission to appeal based on the medical evidence he sent with his application?

The Claimant's application was late, but I'm extending the time

[8] I wrote the Claimant asking when and by what method (email, regular mail) he received the General Division decision. He didn't answer those questions.⁴ He explained why he was late filing his application: "The delay in filing was not intentional and arose due to severe and ongoing medical disability affecting cognitive functioning, executive functioning, and timely administrative response."⁵

[9] The Tribunal's file shows it emailed the Claimant the General Division decision on October 6, 2025. The Tribunal Rules say I can assume he received it the next business day—October 7, 2025.⁶ The file also shows the Claimant's representative called the Tribunal that day to challenge the decision.

[10] The Claimant had 90 days to apply to appeal the General Division decision.⁷ He had to file his application with the Appeal Division on or before January 5, 2026.

⁴ See AD1A.

⁵ See AD1A-7.

⁶ See section 22(3) of the *Social Security Tribunal Rules of Procedure* (Tribunal Rules).

⁷ See section 57(1)(b) of the DESD Act.

[11] The Claimant's application was late. The Appeal Division received his application on January 28, 2026. The Tribunal stamp on the bottom of each page of the application tells me this.

[12] But because he filed his application before one year passed, I have the power to extend the time.⁸ I'm extending the time for him to apply, to January 28, 2026. Because he gave a reasonable explanation for why he was late.⁹ One of the medical reports in the General Division file supports his explanation.¹⁰

[13] This means I can consider whether to give him permission to appeal the General Division decision.

I can't give the Claimant permission to appeal

The permission to appeal test

[14] I should give the Claimant permission to appeal if he raises an arguable case the General Division made one of these errors

- didn't respect natural justice¹¹
- used its decision-making authority incorrectly¹²
- made a legal error, a factual error, or a mixed error of fact and law in making its decision¹³

[15] I can also give the Claimant permission if his application sets out evidence the General Division didn't have.¹⁴ I'll call this new evidence, and the new evidence test.

⁸ See section 57(2) of the DESD Act.

⁹ See sections 27(1) and 27(2) of the Tribunal Rules.

¹⁰ See GD2-58.

¹¹ See section 58.1(a) of the DESD Act

¹² See section 58.1(a) of the DESD Act. The law calls this a jurisdictional error.

¹³ See section 58.1(b) of the DESD Act.

¹⁴ See section 58.1(c) of the DESD Act.

The Claimant hasn't shown an arguable case the General Division was biased

[16] The Claimant argues the decision is based in a biased perspective.¹⁵ He said it should be unbiased and the member should be on the side of the injured and diseased. And should have decided his appeal under the law about CPP disability.

[17] Having a decision-maker who is impartial—in other words, not biased—is a principle of natural justice.

[18] The Claimant's arguments don't show an arguable case the General Division member was biased.

[19] An allegation of bias—in other words, the member prejudged the outcome or was biased against a party—is serious.¹⁶ A tribunal member is presumed to be impartial. An allegation of bias is difficult to prove and needs to be supported with material evidence.¹⁷ It can't rest on mere suspicion, pure conjecture, insinuations, or impressions.¹⁸

[20] The Claimant's argument is an opinion based in suspicion, conjecture, and his belief he's entitled to a CPP disability pension. He doesn't offer anything more—no evidence the member was biased. His reasons for appeal ask the General Division to be biased—in his favour. The fact he doesn't agree with the General Division decision because it didn't grant him a CPP disability pension doesn't show an arguable case of bias.

[21] I reviewed the General Division file. Nothing suggested the General Division was biased against the Claimant.

¹⁵ See AD1-1.

¹⁶ See *Arthur v Canada (Attorney General)*, 2001 FCA 223 at paragraph 8.

¹⁷ See *Kuk v Canada (Attorney General)*, 2024 FCA 74; *Tymchuk v Canada (Attorney General)*, 2025 FC 1958 at paragraph 34.

¹⁸ See *Lance v Canada (Attorney General)*, 2025 FCA 41 at paragraph 11; *Tymchuk v Canada (Attorney General)*, 2025 FC 1958 at paragraph 34.

The medical evidence isn't arguably relevant, so it doesn't satisfy the new evidence test

[22] The Federal Court says it's reasonable to make relevance part of the test to get permission to appeal under section 58.1(c) of the *Department of Employment and Social Development Act*.¹⁹ The Court accepts that new evidence has to be relevant or arguably relevant.

[23] The Claimant's appeal involved two issues:

- Did the Claimant appeal the Minister's reconsideration decision more than one year after that decision was communicated to him?²⁰
- Does the Tribunal have the power to extend the deadline for him to appeal?²¹

[24] The Claimant sent medical evidence with his application.²² Some documents weren't before the General Division. But that new evidence isn't relevant to either issue, above. The Claimant sent it to explain why he was late filing his appeal with the General Division. And to support his argument that he should get a CPP disability pension.²³

[25] The Claimant didn't challenge the General Division's finding he appealed the Minister's decision more than one year after it was communicated to him (paragraph 14). I reviewed the General Division record and the decision. I didn't find an arguable case the General Division reached this finding by ignoring or misunderstanding relevant evidence.

[26] So, there's no arguable case the General Division made a reviewable error when it decided it could not extend the time for the Claimant to appeal (paragraphs 5, 7, 16, 17). This meant his explanation he was delayed because of medical reasons—and the

¹⁹ See *Kryklywicz v Canada (Attorney General)*, 2026 FC 36 at paragraphs 67 to 69.

²⁰ See section 52(1)(b) of the DESD Act.

²¹ See section 52(2) of the DESD Act.

²² See AD1-18 to AD1-37; AD1B-3 to AD1B-42.

²³ See AD1B-2, AD1B-3.

new medical evidence he sent—wasn't relevant or arguably relevant to an issue the General Division decided. Or to an issue in this application.

Conclusion

[27] Leave to appeal denied. The Claimant's appeal won't go forward.

Glenn Betteridge
Member, Appeal Division