



Citation: *MM v Minister of Employment and Social Development*, 2025 SST 1459

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

Decision

Appellant: M. M.
Representative: A. M.

Respondent: Minister of Employment and Social Development

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

Tribunal member: Anne S. Clark

Decision date: October 6, 2025

File number: GP-25-1225

Decision

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

Overview

[2] The Appellant applied for disability benefits on May 1, 2019. The Minister of Employment and Social Development (Minister) refused his application. He asked it to reconsider. On July 2, 2019, the Minister reconsidered its decision and refused the application again.

[3] The Appellant appealed the reconsideration decision to the General Division of the Social Security Tribunal (Tribunal) on July 30, 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.¹

[7] If an appellant appeals after the deadline, the Tribunal can give them more time (accept the late appeal). But **in no case** can an appellant appeal a reconsideration decision more than one year after the Minister told them about it.²

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

² 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 in July 2019 and October 2019

[9] The Minister told the Appellant about its reconsideration decision in a letter dated July 2, 2019. The Appellant said he can't remember when he received the letter. Normally a letter sent by mail in Canada would be delivered in 10 days. It is reasonable to believe the Appellant would have received the letter by Friday July 12, 2019.

[10] On September 10, 2019, the Appellant asked the Minister to send another copy of the decision for his disability insurer.³ The Minister sent the first denial and the reconsideration decision on October 15, 2019. The Appellant also asked for copies in 2025. The Minister sent him copies of both decisions on May 6, 2025.

[11] Even if I find the Appellant didn't receive the reconsideration decision in July 2019, it is likely he had it by the end of October 2019. Since the Minister sent copies of the decisions to the Appellant in October 2019 I will calculate the deadline from October 31, 2019. The fact that the Minister sent copies again on May 6, 2025, doesn't change the fact that the reconsideration decision was communicated to the Appellant in 2019 by the end of October.

[12] The Appellant had until Wednesday January 29, 2020, to appeal the reconsideration decision.

– The latest the Appellant could ask for more time to appeal was October 30, 2020

[13] The Appellant had until October 30, 2020, to file an appeal and ask the Tribunal for more time to appeal.

³ See the notes at page GD2-15.

[14] The Appellant appealed on July 30, 2025, which is more than 365 days from the date when the decision was communicated to him.

[15] The Tribunal doesn't have authority to disregard or change the law. 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. The law says the Tribunal can't give more time if an appeal is more than 365 days late.

Conclusion

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

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

Anne S. Clark
Member, General Division – Income Security Section