



Citation: *LB v Minister of Employment and Social Development*, 2025 SST 1460

Social Security Tribunal of Canada General Division – Income Security Section

Decision

Appellant: L. B.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated May 27, 2024 (issued by
Service Canada)

Tribunal member: Carol Wilton

Decision date: October 1, 2025

File number: GP-25-1271

Decision

[1] The appeal won't go ahead. I won't give the Appellant more time to appeal. This decision explains why.

Overview

[2] The Appellant applied for Canada Pension Plan (CPP) disability benefits on February 21, 2023. The Minister of Employment and Social Development (Minister) refused her application. She asked it to reconsider. On May 27, 2024, the Minister reconsidered its decision and refused the application again.

[3] The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on August 8, 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 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.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 on June 6, 2024.

[9] The Minister told the Appellant about its reconsideration decision on June 6, 2024.

[10] The reconsideration decision is dated May 27, 2024. Mail in Canada is usually delivered within 10 days. The Appellant stated that she didn't remember when she received the decision.³ But it is reasonable to assume that she received it by June 6, 2024.

– The Appellant had to appeal by June 6, 2025

[11] The Appellant had until June 6, 2025, to appeal to the Tribunal.

[12] The Tribunal received the Appellant's appeal on August 8, 2025.

[13] 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.

Conclusion

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

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

Carol Wilton
Member, General Division – Income Security Section

³ See GD1-2.