



Citation: *JT v Minister of Employment and Social Development*, 2024 SST 1700

Social Security Tribunal of Canada
General Division – Income Security Section

Decision

Appellant: J. T.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated August 16, 2023 (issued by
Service Canada)

Tribunal member: Carol Wilton

Decision date: December 19, 2024

File number: GP-24-1620

Decision

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

Overview

[2] In September 2009, the Appellant began receiving the *Old Age Security* (OAS) pension.¹ He also started collecting the *Guaranteed Income Supplement* (GIS).

[3] The GIS is a monthly payment to low-income people receiving the OAS. A GIS recipient who leaves the country can only receive payment for the month he leaves Canada and for six months afterwards. He can collect payments again when he returns to Canada.²

[4] The Appellant travelled to India in August 2020. He wanted to return to Canada in February 2021. But he couldn't because of travel restrictions and then illness. He returned to Canada in April 2023.³

[5] The Appellant didn't receive the GIS from May 2021 to April 2023, the month he returned to Canada.⁴

[6] In June 2023, the Appellant told the Minister he had not received the GIS for the previous two years. He felt that this was unfair because he'd been stranded in India due to Covid-19 rules.⁵

[7] On August 16, 2023, the Minister's reconsideration letter stated that the Appellant's GIS was suspended effective June 2021. It would resume effective as of April 2023, the date when he returned to Canada.⁶

¹ See GD2-I-16.

² See paragraph 11(7)(c) of the OAS Act.

³ See GD2-III-48.

⁴ See GD2-III-38, 40. The Minister paid the Appellant his GIS until June 2021 under special rules relating to Covid-19. See GD2-III-38.

⁵ See GD2-III-28 ff.

⁶ See GD2-III-38.

[8] The Appellant appealed the reconsideration decision to the Social Security Tribunal on September 12, 2024.⁷

What I have to decide

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

Reasons for my decision

[10] 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

[11] 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.⁸

[12] 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.⁹

The Appellant's appeal was more than one year late

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

– The Minister told the Appellant about its decision on August 16, 2023

[14] The Minister told the Appellant about its reconsideration decision on August 16, 2023.

[15] Canada Post usually delivers mail within 10 days in Canada. It is reasonable to believe that this is what happened here.

⁷ See GD1-1.

⁸ See section 52(1) of the *Department of Employment and Social Development Act* (DESD Act).

⁹ See section 52(2) of the DESD Act.

– **The Appellant had to appeal by August 26, 2024**

[16] The Appellant had until August 26, 2024, to appeal to the Tribunal.¹⁰

[17] The Appellant appealed on September 12, 2024.

[18] 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

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

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

Carol Wilton

Member, General Division – Income Security Section

¹⁰ August 25, 2024 was 365 days after the presumed receipt of the reconsideration decision, but it was a Sunday.