



[TRANSLATION]

Citation: *MA v Minister of Employment and Social Development*, 2026 SST 70

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant:	M. A.
Respondent:	Minister of Employment and Social Development
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Decision under appeal:	General Division decision dated December 22, 2025 (GP-24-2049)
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Tribunal member:	Jean Lazure
Decision date:	January 30, 2026
File number:	AD-26-33

Decision

[1] Permission to appeal is refused. The appeal won't go ahead.

Overview

[2] The Minister of Employment and Social Development (Minister) started paying the Applicant an Old Age Security (OAS) pension in October 2017.¹ The Minister also started paying the Applicant the Guaranteed Income Supplement (GIS) in October 2017.²

[3] On June 7, 2023, the Minister determined that the Applicant had received a GIS overpayment of \$5,612.58.³ The Applicant asked the Minister to reconsider this decision.⁴ In a reconsideration letter, the Minister essentially upheld this decision, indicating an overpayment of \$5,585.58.⁵

[4] The Applicant filed her appeal with the Social Security Tribunal (Tribunal) on November 27, 2024.⁶ On December 18, 2025, the General Division found that the Applicant's GIS had been correctly calculated. The Applicant applied for permission to appeal this decision to the Appeal Division.⁷

Issues

[5] The issues are as follows:

- a) Is there an arguable case that the General Division made an error in determining that the Minister correctly calculated the Applicant's GIS between January 2019 and June 2023?

¹ GD5-3

² GD5-3

³ GD2-56

⁴ July 25, 2023, GD2-60

⁵ October 11, 2024, GD2-72

⁶ GD1-1

⁷ January 10, 2026, AD1-1

b) Does the application contain evidence that wasn't before the General Division?

I am not giving the Applicant permission to appeal

[6] I can give the Applicant permission to appeal if her application raises an arguable case that the General Division:

- didn't provide a fair process
- decided an issue it didn't have the power to decide, or didn't decide an issue it should have decided
- misinterpreted or misapplied the law
- made a mistake about the facts⁸

[7] I can also give the Applicant permission to appeal if her application contains evidence that wasn't before the General Division.⁹

[8] Since the Applicant hasn't raised an arguable case and hasn't presented any new evidence, I have to refuse permission to appeal.

– The Applicant hasn't raised an arguable case for error by the General Division

[9] First, the Applicant [translation] "challenges the decision" of the General Division because she "confirms that she didn't receive the calculations that led to this total for the last data recorded in [her] account."¹⁰

[10] In my view, the General Division carefully examined the Minister's calculations. In several places in its decision, it refers either to the calculations themselves, or to any

⁸ See sections 58.1(a) and 58.1(b) of the *Department of Employment and Social Development Act* (DESD Act).

⁹ See section 58.1(c) of the DESD Act.

¹⁰ AD1-5

explanations the Minister's representative may have provided, in writing or at the hearing, in response to the Applicant's questions.¹¹

[11] The fact that the Applicant didn't receive these calculations doesn't amount to a ground of appeal under the law. This ground doesn't raise an arguable case for error by the General Division.

[12] The same is true of the Applicant's second ground of appeal, which concerns the money she received from the CNESST and the fact that it was counted as income.¹²

[13] At paragraph 20 of its decision, the General Division said that "the amount of money the Appellant had received from the CNESST had to be considered in calculating the GIS under the OAS Act and *Old Age Security Regulations*."¹³

[14] The General Division referred to the relevant sections of the OAS Act and Regulations. These provisions state that income from a pension plan is to be counted as income, and that such income includes "compensation under a federal or provincial employee's or worker's compensation law in respect of an injury, disability or death."¹⁴

[15] I sympathize with the Applicant, who would like [translation] "these amounts to be neither taxable nor attributable to a reduction in the GIS [because] seniors [are] already forced to support themselves in a national context of economic outbidding where the cost of living is skyrocketing, [which is] in stark contrast to seniors' incomes."¹⁵

¹¹ Paragraph 15 deals with the calculations themselves. Paragraphs 16 and 17 indicate that the Minister provided a table before the hearing with the details and reason for the amount claimed. Paragraphs 18 to 22 deal with the Applicant's questions at the hearing that were answered, including at the hearing.

¹² This second ground of appeal is discussed in the second and third paragraphs of the Applicant's reasons for appeal at AD1-5.

¹³ AD1A-5

¹⁴ Section 14(g) of the *Old Age Security Regulations*; and section 14 of the *Old Age Security Act*, which the General Division referred to correctly.

¹⁵ AD1-5

[16] Unfortunately, that is how the law is made. The Applicant's disagreement isn't a ground of appeal under the law. This ground doesn't raise an arguable case for error by the General Division.

[17] I also reviewed the record.¹⁶ I am satisfied that there is no arguable case that the General Division ignored or misinterpreted other evidence that could support an arguable case for error by the General Division.

[18] Finally, the Applicant didn't submit new evidence before the Appeal Division.

[19] Since the Applicant hasn't raised an arguable case and hasn't presented any new evidence, I have to refuse permission to appeal.

Conclusion

[20] Permission to appeal is refused. This means the appeal won't go ahead.

Jean Lazure
Member, Appeal Division

¹⁶ For more information on this type of review by the Appeal Division, see *Karadeolian v Canada (Attorney General)*, 2016 FC 615.