



Citation: *AJ v Minister of Employment and Social Development*, 2026 SST 146

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: A. J.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated November 20, 2025
(GP-25-1053)

Tribunal member: Neil Nawaz

Decision date: March 2, 2026

File number: AD-26-104

Decision

[1] I am refusing the Applicant permission to appeal. This appeal will not be going forward.

Overview

[2] The Applicant is a 69-year-old retiree. In February 2024, he applied for an Old Age Security Pension (OAS) pension and a Guaranteed Income Supplement (GIS).¹ Service Canada, the Minister's public-facing agency, approved the Applicant's OAS pension effective March 2023 and his GIS effective July 2024.² However, Service Canada said that it was unable to determine the Applicant's GIS eligibility from March 2023 to June 2024 because it didn't have income information for him or his spouse for the 2021 or 2022 taxation years.

[3] The Applicant asked Service Canada to reconsider the start date of his OAS pension and GIS payments. He said that he had first applied for the benefits in May 2022 by dropping off an application at a Service Canada centre. He wanted his payments to start in December 2021, the month after he turned 65.³

[4] Service Canada maintained its decision, and the Applicant appealed to the Social Security Tribunal. The Tribunal's General Division held an in-person hearing and dismissed the appeal. It saw no evidence that the Applicant had applied for benefits earlier than February 2024. It decided that, even if Service Canada had mislaid an earlier application, it had no authority to correct an administrative error by the Minister.

[5] The Applicant is now requesting leave, or permission, to appeal.⁴ He makes the following points:

- The General Division's decision is illegal, unjustified, and biased.
- The General Division appears not to have read his file.

¹ See the Applicant's application for the Old Age Security pension dated February 15, 2024, GD2-3.

² See Service Canada's letters dated July 16, 2024 (GD2-11) and September 12, 2024 (GD2-15).

³ See the Applicant's request for reconsideration dated October 4, 2024, GD2-18.

⁴ See the Applicant's leave to appeal application dated February 17, 2026, AD1.

- Apart from the above, the proceedings were marred by many irregularities.

[6] However much I may sympathize with the Applicant, I can't allow his appeal to proceed. That's because he hasn't met any of the grounds of appeal.

Issues

[7] There's no automatic right to appeal a General Division decision. The Appeal Division must first give permission to appeal. It will only do so if an applicant produces new evidence or presents an arguable case that the General Division

- proceeded in a way that was unfair;
- acted beyond its powers or refused to exercise those powers; or
- made an error of law or fact or some combination of the two.⁵

[8] The Applicant did not produce new evidence, so my task was to decide whether the General Division might have made a mistake that fell into one of the specified categories.

Analysis

[9] I have reviewed the record, and I don't see an arguable case that the General Division misinterpreted the applicable law, misconstrued the available evidence, or otherwise acted unfairly.⁶

[10] The General Division decided that the Applicant was not entitled to the CPP retirement pension for the following reasons:

- The General Division didn't have the jurisdiction to consider the Applicant's GIS claim because the Minister has not yet issued a reconsideration decision about when payments should start.

⁵ See section 58.1(b) of the *Department of Employment and Social Development Act*.

⁶ See *Karadeolian v Canada (Attorney General)*, 2016 FC 615.

- An OAS applicant's pension payments start the latest of (i) one year before the application was made; (ii) the day the applicant turned 65; or (iii) the month before the date specified by the applicant in writing.
- Even if Service Canada did lose the Applicant's May 2022 OAS application, the Tribunal has no authority to consider Ministerial error.

[11] The Applicant's reasons for appealing are vague. They speak of illegalities, irregularities, negligence, and bias, but they offer no detail about what, exactly, it was that the General Division did wrong in arriving at its decision. Ultimately, the Applicant's submissions amount to a complaint that the General Division didn't give him his desired result. But that by itself is not enough to advance his appeal.

[12] I don't see an argument that the General Division erred in finding that it lacked jurisdiction to consider the Applicant's claim for GIS back payments. From what I can see, the Minister has issued only an initial decision about the Applicant's GIS claim. By law, this Tribunal can only hear reconsideration decisions.⁷

[13] I don't see an argument that the General Division erred in assessing the Applicant's OAS pension payment date. In this case, the latest date of the three options specified by law was a year before the date of application — March 2023 — and that's when the Minister started paying the Applicant his pension.

[14] I don't see an argument that the General Division erred in determining that it had no authority to consider Ministerial error. The Minister has never admitted to misplacing the Applicant's OAS application, and it has thus exercised its discretionary power **not** to pay the Applicant additional pension back payments.⁸ Case law has held that administrative Tribunals cannot second-guess a discretionary Ministerial decision.⁹

⁷ See sections 27.1, 27.1(2), and 28(1) of the *Old Age Security Act*.

⁸ A discretionary decision is one that the Minister can make voluntarily — that is, the law does not **require** him or her to make it.

⁹ See section 32 of the *Old Age Security Act* and *Canada (Attorney General) v Vinet-Proulx*, 2007 FC 99.

[15] The burden of proof is on applicants to show that they are entitled to OAS benefits. In other words, it was up to the Applicant to demonstrate that he had submitted an application earlier than February 2024 and that, if he did, Service Canada lost or destroyed it. The General Division found that he had done neither, and I don't see an arguable case that it erred in doing so.

Conclusion

[16] I am refusing the Applicant leave to appeal because he didn't produce any new evidence or present an argument that the General Division made an error.

[17] This means the appeal will not proceed.



Member, Appeal Division