

Citation: *S. K. v. Canada Employment Insurance Commission*, 2014 SSTAD 407

Appeal No. AD-13-1126

BETWEEN:

S. K.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Leave to Appeal

SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: December 31, 2014

DECISION: Leave to appeal refused

DECISION

[1] On February 21, 2013, a panel of the board of referees (“the Board”) determined that the appeal of the Applicant from the previous determination of the Commission should be denied.

[2] The Applicant’s application was filed with the Tribunal outside of the current 30-day time limit. However, the Applicant attempted to file his application with an umpire within the old 60-day limit, and only became aware that this was no longer the correct procedure after the appeal period had passed. Moreover, the Board communicated to the Applicant that he indeed had 60 days to appeal, which created a reasonable expectation that the 60-day limit would be applied in his case. In light of this, it is my view that it would be contrary to the interests of justice to disallow the application for lateness and I therefore allow further time within which this application can be made.

[3] I have read and carefully considered the application of the Applicant. In it, he references the principles of natural justice and states that “the Board should have shown more concern to [sic] the humanitarian factors which put me under huge pressure to make decision [sic] to have EI payment”. The Applicant states that “my brain may have started to act weird during 2008, 2009 and 2010”. He also notes his difficult personal and financial circumstances.

[4] Although the Applicant does reference one of the grounds of appeal set out in the *Department of Employment and Social Development Act*, he has not articulated any specific error or ground of appeal that has a reasonable chance of success as required by the *Act*.

[5] As it has no reasonable chance of success, this application for leave to appeal must be refused.

Mark Borer

Member, Appeal Division