

Citation: *K. B. v. Canada Employment Insurance Commission*, 2015 SSTAD 320

Appeal No. AD-14-126

BETWEEN:

**K. B.**

Applicant

and

**Canada Employment Insurance Commission**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division – Leave to Appeal**

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SOCIAL SECURITY TRIBUNAL MEMBER: Mark BORER

DATE OF DECISION: March 9, 2015

DECISION: Leave to refused

## **DECISION**

[1] On August 28, 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 dismissed. The Applicant filed an application requesting leave to appeal to the Appeal Division on February 4, 2014.

[2] The Applicant’s application was filed outside of the 30-day time limit. The Applicant explains her late appeal by saying that she couldn’t get to it because of “the holidays”.

[3] This appeal is approximately four months late. This is not a short delay. In my view, the Applicant has not offered a coherent explanation as to why they did not act in a more diligent manner to file their appeal. I also note that there is no evidence of a continuing intention to appeal throughout the time in question.

[4] Further, the Applicant has not articulated any particular error with the Board decision. Indeed, her real disagreement is with the Canada Revenue Agency, and not appealable to the Tribunal. Because of this, I find that these pleadings do not have a reasonable chance of success.

[5] Because the Applicant has not established that her case has a reasonable chance of success, has not established a continuing intention to appeal, and has not properly explained the reason for her late appeal, I decline to allow an extension of time to appeal.

[6] As such, this application for leave to appeal must be refused.

*Mark Borer*

Member, Appeal Division