

Citation: *R. S. v. Canada Employment Insurance Commission*, 2015 SSTAD 559

Appeal No. AD-14-295

BETWEEN:

R. S.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Leave to Appeal

SOCIAL SECURITY TRIBUNAL MEMBER : Mark BORER

DATE OF DECISION : May 6, 2015

DECISION : Leave to appeal refused

DECISION

[1] On April 18, 2012, a panel of the board of referees (the Board) determined that the appeal of the Appellant from the previous determination of the Commission should be dismissed. On April 8, 2014, the Applicant filed an application requesting leave to appeal to the Appeal Division.

[2] This application has been filed well beyond the 30-day limit set out in ss. 57(1) of the *Department of Employment and Social Development Act*.

[3] Subsection 57(2) of the *Act* states that:

The Appeal Division may allow further time within which an application for leave to appeal is to be made, but in no case may an application be made more than one year after the day on which the decision is communicated to the appellant.

[4] In this case, the Appellant has indicated on his application that he received the Board decision on April 18, 2012. He also indicates that he was out of the country until September 26, 2014, and only received the decision upon his return.

[5] Apart from the inherent contradiction in the above, I note that his application was filed April 8, 2014. If the Appellant only knew about the decision on his return to Canada on September 26, 2014, it would have been impossible for him to file this application months before. It may be that the Appellant meant to say that he had returned to Canada September 26, 2012.

[6] Ultimately, however, it does not matter whether I accept April 18, 2012, or September 26, 2012, as the date that the Appellant received the decision of the Board. Either way, this application was filed more than one year after the decision was communicated to the Appellant and I therefore have no authority to grant an extension of time.

[7] This application must accordingly be dismissed as statute barred.

Mark Borer

Member, Appeal Division