

Citation: *A. S. v. Canada Employment Insurance Commission*, 2015 SSTAD 564

Appeal No. AD-14-319

BETWEEN:

A. 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 7, 2015

DECISION : Leave to appeal refused

DECISION

[1] On June 13, 2013, 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 July 8, 2014, the Appellant 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 June 28, 2013.

[5] In support of his submissions that he is available to work, the Appellant attaches medical reports stating that he is capable of working. This is noteworthy, as it stands in contrast to the fact the Appellant is receiving a CPP disability pension, only available to those who are unable to work. He asks that his appeal be allowed.

[6] Ultimately, however, the arguments of the Appellant on the merits of the case are not material here. 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