

[TRANSLATION]

**Citation:** *I. K. v. Canada Employment Insurance Commission*, 2015 SSTGDEI 124

**Date:** July 15, 2015

**File number:** GE-15-1610

**GENERAL DIVISION – Employment Insurance Section**

**Between:**

**I. K.**

**Appellant**

**and**

**Canada Employment Insurance Commission**

**Respondent**

**Decision by:** Normand Morin, Member, General Division – Employment Insurance Section

## **REASONS AND DECISION**

### **DECISION**

[1] The appeal before the General Division of the Social Security Tribunal of Canada (Tribunal) was not filed within the prescribed period.

### **INTRODUCTION**

[2] The Respondent, the Canada Employment Insurance Commission (Commission), denied the Appellant, Mr. I. K.'s, claim for benefits. On April 29, 2014, it also denied his request for reconsideration. On May 11, 2015, the Appellant appealed this decision to the Tribunal (Exhibits GD2-1 to GD2-20).

### **ISSUE**

[3] The Tribunal must determine whether the appeal was filed within the prescribed period.

### **THE LAW**

[4] Under subsection 52(2) of the *Department of Employment and Social Development Act* (DESD Act), the General Division may allow further time within which an appeal may be brought, but in no case may an appeal be brought more than one year after the day on which the decision is communicated to the appellant.

### **SUBMISSIONS AND EVIDENCE FROM THE APPELLANT**

[5] On April 29, 2014, the Respondent informed the Appellant that it was upholding the decision made on January 13, 2014, concerning his entitlement to "parental benefits" (Exhibits GD3-43 and GD3-44).

[6] In his appeal filed on May 11, 2015, the Appellant stated that he had received the reconsideration decision on April 29, 2014 (Exhibit GD2-2).

[7] The Appellant stated that he went to a Service Canada Centre on May 6, 2015, where he learned that he could submit an application to the Tribunal concerning the number of weeks

of "parental benefits" to which he believed he should be entitled, that is, 35 weeks (Exhibit GD2-2).

[8] On May 11, 2015, the Appellant appealed this decision (reconsideration decision) to the Tribunal (Exhibits GD2-1 to GD2-20).

## **ANALYSIS**

[9] The Tribunal finds that the Respondent's reconsideration decision was communicated to the Appellant on April 29, 2014 (Exhibit GD3-44).

[10] The evidence on file also shows that the Respondent had first notified the Appellant of this decision verbally that same day (April 29, 2014), (Exhibit GD3-43).

[11] The Tribunal finds that the Appellant appealed to the Tribunal's General Division on May 11, 2015, more than one year after the decision was communicated to him.

[12] In a letter addressed to the Appellant, dated May 15, 2015, the Tribunal included the following information: [translation] "An extension cannot be granted if more than a year has passed since the reconsideration decision was communicated to you." (Exhibit GD2A-1)

[13] The Tribunal must apply subsection 52(2) of the DESD Act, which clearly states that in no case may an appeal be brought to the General Division more than one year after the reconsideration decision was communicated to the Appellant.

## **CONCLUSION**

[14] The appeal to the Tribunal's General Division was not brought within the prescribed period and will therefore not be heard.

Normand Morin  
Member, General Division - Employment Insurance Section