

Citation: *S. J. v. Canada Employment Insurance Commission*, 2015 SSTAD 1471

Appeal No. AD-15-1311

BETWEEN:

S. J.

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 23, 2015

DECISION: Leave to appeal refused

DECISION

[1] On November 6, 2015, a member of the General Division refused to grant an extension of time to file an appeal from a reconsideration decision of the Commission on the basis that the Applicant had applied more than one year after the reconsideration decision had been communicated to him. In due course, the Applicant filed an application requesting leave to appeal this decision to the Appeal Division.

[2] In his application for leave to appeal, the Applicant stated that the General Division member erred in fact by not taking into account that the Applicant was unaware that he could appeal the reconsideration decision. Although the Applicant admitted that the decision was communicated to him on February 1, 2014, he noted that at no time did the Commission or anyone else inform him of his appeal rights.

[3] In his decision, the General Division member noted ss. 52(2) of the *Department of Employment and Social Development Act*. That subsection states in full that:

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.

[4] As the member found that the Applicant's appeal to the General Division had been filed on September 11, 2015, more than one year after it had been communicated to the Applicant, he concluded that the appeal had not been brought in time and for that reason could not proceed.

[5] In the present application, the Applicant has not made any arguments that could challenge this finding, even if accepted in full. It is clear that on the uncontested evidence before him, the General Division member had no choice but to decide as he did.

[6] For this reason, this application does not have a reasonable chance of success and must be refused.

Mark Borer

Member, Appeal Division