



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

[TRANSLATION]

Citation: *L. A. v. Canada Employment Insurance Commission*, 2016 SSTADEI 263

Tribunal File Number: AD-16-660

BETWEEN:

L. A.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Deadline Extension – Leave to Appeal

DECISION BY: Pierre Lafontaine

DATE OF DECISION: May 20, 2016

REASONS AND DECISION

DECISION

[1] The Tribunal refuses an extension of time to file the application for leave to appeal.

INTRODUCTION

[2] On March 27, 2015, the General Division found the following:

- The Applicant had failed to show that she had just cause for voluntarily leaving her employment within the meaning of sections 29 and 30 of the *Employment Insurance Act* (Act).

[3] On May 5, 2016, the Applicant filed an application for leave to appeal to the Appeal Division. Based on the telephone conversation records in the file, the Appellant found out about the decision on April 7, 2015.

ISSUE

[4] The Tribunal must decide whether to grant an extension of time for leave to appeal.

THE LAW

[5] As stated in subsections 56(1) and 58(3) of the *Department of Employment and Social Development Act*, “[a]n appeal to the Appeal Division may only be brought if leave to appeal is granted” and the Appeal Division “must either grant or refuse leave to appeal”.

[6] Subsection 58(2) of the *Department of Employment and Social Development Act* states that “[l]eave to appeal is refused if the Appeal Division is satisfied that the appeal has no reasonable chance of success”.

ANALYSIS

[7] In accordance with subsection 57(1) of the *Department of Employment and Social Development Act*, the application for leave to appeal must be made to the Appeal Division in the prescribed form and manner and within the following time period:

(a) In the case of a decision made by the Employment Insurance Section, 30 days after the day on which it is communicated to the appellant.

(b) In the case of a decision made by the Income Security Section, 90 days after the day on which the decision is communicated to the appellant.

(2) 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.

[8] The Applicant did not submit her application for leave to appeal within the 30 days prescribed in the Act because her lawyer did not file her request as per her instructions.

[9] However, the Tribunal is not authorized to extend the time to file an application for leave to appeal beyond one year. The General Division's decision was made on March 27, 2015, and according to telephone conversation records in the file, the Appellant found out about the decision on April 7, 2015. Unfortunately, she didn't file her application for leave to appeal until May 5, 2016, that is, over one year after learning of the General Division's decision.

[10] The Tribunal has no choice other than to refuse the Applicant's request to extend the time to file the application for leave to appeal.

CONCLUSION

[11] The Tribunal refuses an extension of time to file the application for leave to appeal.

Pierre Lafontaine
Member, Appeal Division