



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *R. L. v. Canada Employment Insurance Commission*, 2016 SSTADEI 357

Tribunal File Number: AD-16-836

BETWEEN:

**R. L.**

Applicant

and

**Canada Employment Insurance Commission**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**Appeal Division**

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DECISION BY: Mark Borer

DATE OF DECISION: July 6, 2016

## DECISION

[1] On April 28, 2016, a General Division member determined that the appeal of the Applicant from the previous determination of the Commission should be dismissed. On June 21, 2016, the Applicant filed an application requesting leave to appeal to the Appeal Division. The Applicant did not specify when he received the decision.

[2] According to s. 19 of the *Social Security Tribunal Regulations*, a decision is deemed to be communicated to a party 10 days after it was mailed to that party. The decision in this case was mailed to the Applicant on April 29, 2016, and I therefore deem it to have been communicated on May 9, 2016. As ss. 57(1) of the *Department of Employment and Social Development Act* (the DESDA) establishes that an application for leave to appeal must be filed within 30 days of the underlying decision being communicated to the Applicant, this means that the Applicant's application is approximately six weeks late.

[3] In his initial application, the Applicant did not offer any explanation for this. Instead, the Applicant's application lists a number of former employers that he claims to have sued, and the results of those actions. He then continues by demanding that the government investigate various departments before accusing him of anything. Referring to himself as "a piece of [expletive deleted] Canadian slave citizen", he expresses his view that the government continues to steal from him. He concludes by promising that he will continue to appeal and intends to sue, and uses expletives for emphasis throughout.

[4] In *X*, 2014 FCA 249, the Federal Court of Appeal in paragraph 26 set out the test to be applied in late appeals in a most clear and succinct form:

"In deciding whether to grant an extension of time to file a notice of appeal, the overriding consideration is whether the interests of justice favour granting the extension. Relevant factors to consider are whether:

- (a) there is an arguable case on appeal;
- (b) special circumstances justify the delay in filing the notice of appeal;
- (c) the delay is excessive; and
- (d) the respondent will be prejudiced if the extension is granted."

[5] I find that the Applicant has not offered any explanation or established any special circumstances for the delay. I further find that although the application strongly expresses the Applicant's opinion that he has been treated unfairly, it does not articulate any reviewable error on the part of the General Division member and therefore does not raise an arguable case. Although I find that the delay is not excessive and that the Commission would not be prejudiced by allowing an extension of time, taking all factors into consideration I do not believe that it would be in the interests of justice to do so. I therefore decline to exercise my discretion to allow an extension of time to appeal.

[6] As such, this application for leave to appeal cannot be considered as it was filed beyond the time period set out in the DESDA.

*Mark Borer*  
Member, Appeal Division