



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *KO v Canada Employment Insurance Commission*, 2021 SST 106

Tribunal File Number: GE-21-282

BETWEEN:

**K. O.**

Appellant

and

**Canada Employment Insurance Commission**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**General Division – Employment Insurance Section**

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DECISION BY: John Noonan

DATE OF DECISION: February 24, 2021

## REASONS AND DECISION

### OVERVIEW

[1] The Appellant applied for employment insurance benefits. Further to a request for reconsideration, on August 13, 2019, the Respondent issued a decision under section 112 of the *Employment Insurance Act* (Act). The Appellant appealed that decision to the Social Security Tribunal (Tribunal) on February 15, 2021.

[2] Under subsection 52(2) of the *Department of Employment and Social Development Act* (DESD Act), in no case may an appeal be brought to the General Division of the Tribunal more than one year after the day on which the Respondent's reconsideration decision was communicated to the Appellant.

[3] The Tribunal must decide whether the appeal was brought in time.

### ANALYSIS

[4] The Tribunal finds that the Respondent's reconsideration decision was communicated to the Appellant on August 13, 2019 as the Appellant refers to the decision in his submissions.

[5] The Tribunal finds that the Appellant brought the appeal to the General Division of the Tribunal on February 15, 2021. The Tribunal finds that more than one year passed between when the reconsideration decision was communicated to the Appellant and when the appeal was filed.

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

[7] I do note that the Appellant here is appealing interest being charged on his overpayment balance. Such interest is charged on a debt in accordance with Treasury Board Regulations over which this Tribunal has no jurisdiction.

**CONCLUSION**

[8] The appeal to the General Division of the Tribunal was not brought in time and therefore will not proceed.

John Noonan  
Member, General Division - Employment Insurance Section