



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *TB v Canada Employment Insurance Commission*, 2021 SST 76

Tribunal File Number: AD-21-41

BETWEEN:

T. B.

Applicant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division

Decision by: Jude Samson

Date of Decision: February 26, 2021

DECISION AND REASONS

DECISION

[1] Based on an agreement between the parties, I am giving T. B. (Claimant) leave to appeal and allowing his appeal. I am also giving the Claimant an extension of time to file his appeal. Finally, I am returning the file to the General Division to determine the overpayment issue.

AGREEMENT

[2] The Canada Employment Insurance Commission (Commission) paid Employment Insurance benefits to the Claimant. Years later, the Commission reassessed the Claimant's file and concluded that it had overpaid him by \$104.

[3] The Claimant tried to appeal the Commission's decision to the Tribunal's General Division. However, the General Division decided that his appeal was over a year late, so it could not extend the time for him to bring an appeal.

[4] The General Division based its decision on the Tribunal having received the Claimant's notice of appeal on January 28, 2021. But the General Division member who decided the appeal did not know that the Tribunal had received an earlier notice of appeal on March 4, 2020.¹

[5] In the circumstances, I invited the parties to a settlement conference for an informal discussion about the case. During the settlement conference, the parties agreed that I should:

- a) Find that the General Division based its decision on an important error of fact when it concluded that the Claimant brought his appeal on January 28, 2021;
- b) Give the Claimant permission to appeal and allow his appeal;
- c) Give the decision that the General Division should have given and give the Claimant an extension of time to file his appeal;² and

¹ The first notice of appeal is now marked document AD1B.

² Based on the evidence in the file, the parties were satisfied that the Claimant met the legal test for getting an extension of time.

d) Send the file back to the General Division for it to determine the overpayment issue.

CONCLUSION

[6] Based on the information available to me, I am giving the Claimant permission to appeal. I am also allowing his appeal in line with the agreement reached by the parties at today's settlement conference.

[7] In closing, I note that the General Division will decide on the validity of the overpayment that the Commission is claiming. If he has not already done so, the Claimant can also ask that his debt be written off because of financial hardship, for example. These are two different avenues that the Claimant can pursue.³

Jude Samson
Member, Appeal Division

REPRESENTATIVES:	T. B., self-represented J. Lachance, for the Respondent
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³ This possibility, and contact information for the Canada Revenue Agency's Debt Management Call Centre, are described on page GD3-50.