



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *KJ v Canada Employment Insurance Commission*, 2021 SST 348

Tribunal File Number: GE-21-90

BETWEEN:

K. J.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: John Noonan

DATE OF DECISION: February 2, 2021

REASONS AND DECISION

OVERVIEW

[1] The Appellant applied for employment insurance benefits. Further to a request for reconsideration, on January 25, 2018 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 January 19, 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 March 2, 2018 as per letter dated that day and included in the Appellant's submissions.

[5] The Tribunal finds that the Appellant brought the appeal to the General Division of the Tribunal on January 19, 2021. GD2 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] Neither the Commission nor the Tribunal has any discretion regarding the conditions imposed by the Act and the Regulations.

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