



Citation: *SS v Canada Employment Insurance Commission*, 2023 SST 328

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant: S. S.
Representative: F. H.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated March 9, 2022
(GE-22-52)

Tribunal member: Pierre Lafontaine

Decision date: March 22, 2023

File number: AD-23-156

Decision

[1] An extension of time to apply to the Appeal Division is refused. The application will not proceed.

Overview

[2] The Applicant (Claimant) submits that he is late in filing his application for leave to appeal to the Appeal Division because a new favorable case has come to his attention. At the time, he did not want to pursue an appeal that appeared to be a losing endeavour.

Issues

[3] The issues are:

- a) Was the application to the Appeal Division late?
- b) Should I extend the time for filing the application?

Analysis

The application was late

[4] The delay to file an application for leave to appeal is 30 days after the day on which the decision and reasons are communicated in writing to the Claimant.¹

[5] The General Division rendered a decision on March 9, 2022. It was communicated to the Claimant on the same day. The Claimant filed an application for leave to appeal to the Appeal Division on February 13, 2023. The application is late.

¹ Section 57(1) of the *Department of Employment and Social Development Act*, Part 5.

I am not extending the time for filing the application

[6] When deciding whether to grant an extension of time, I must consider whether the Claimant has a reasonable explanation for why the application is late.²

[7] The delay herein is more than ten (10) months. I am not satisfied that an extension of time to file an application for leave to appeal is warranted in the case at bar.

[8] The Claimant refers to a General Division decision that is currently under appeal before the Appeal Division.³ The fact that a decision that appears to be favorable to the Claimant was rendered after his appeal deadline is not a reasonable explanation for why he is late.⁴

Conclusion

[9] I have not given the Claimant an extension of time to apply to the Appeal Division. This means that the application will not proceed.

Pierre Lafontaine
Member, Appeal Division

² It says this in section 27(2) of the *Social Security Tribunal Rules of Procedure*.

³ *AL v Canada Employment Insurance Commission*, 2022 SST 1428. (AD-23-13).

⁴ Although a different test, I am following the reasoning in the Federal Court Decision #T-370-95 – *Carrier Reginald v Commission*; Federal Court Decision #A-80-90 – *The Attorney General of Canada v Jean-Denis Plourde*.