



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *PD v Canada Employment Insurance Commission*, 2023 SST 595
Tribunal File Number: GE-23-76

BETWEEN:

P. D.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Leanne Bourassa

DATE OF DECISION: March 15, 2023

REASONS AND DECISION

Overview

[1] The Appellant applied for employment insurance benefits. Further to a request for reconsideration, on May 12, 2017, 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 6, 2023.

[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 May 12, 2017. The Respondent's documentation shows that the decision was communicated verbally to the Appellant and his representative on May 12, 2017. This was followed by a written notice dated May 12, 2017. These communications also included notice that the Appellant could appeal the decision to the Social Security Tribunal within 30 days.

[5] The Tribunal finds that the Appellant brought the appeal to the General Division of the Tribunal on January 6, 2023. This is indicated in the time stamp on the Notice of Appeal in the Tribunal's file. 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.

CONCLUSION

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

Leanne Bourassa
Member, General Division - Employment Insurance Section