



Citation: *JR v Canada Employment Insurance Commission*, 2023 SST 709

**Social Security Tribunal of Canada
General Division – Employment Insurance Section**

Decision

Appellant: J. R.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision 551334 dated November 10, 2022 (issued by Service Canada)

Tribunal member: Benson Cowan

Decision date: April 3, 2023

File number: GE-23-452

Decision

[1] The Appellant's request to file her Notice of Appeal late is denied. Her appeal will not be heard.

Overview

[2] The Appellant was notified by letter dated November 10, 2022, that her request for reconsideration had been denied. The Commission was maintaining its decision that she would not receive regular Employment Insurance (EI) benefits because she was not available for work. The Appellant was away from home and did not receive the letter until she returned on December 15, 2022.

[3] She filed a Notice of Appeal with the Social Security Tribunal (SST) on February 10, 2023. She asks that her Notice of Appeal be accepted despite being late.

Issue

[4] The Appellant must show that she has a reasonable explanation for filing her Notice of Appeal late.

Analysis

[5] I find that the Appellant has not provided a reasonable explanation for the delay.

[6] The Appellant was away from home attending to her father's funeral in Ontario when the reconsideration decision was sent to her address in British Columbia on November 10, 2022. She returned to her home on December 15, 2022, and found the letter waiting for her. She filed her Notice of Appeal almost two months later on February 10, 2023.

[7] An Appellant has 30 days to appeal a reconsideration decision from the date they receive notice of the decision. Section 52(2) of the *Department of Employment and Social Development Act* permits the General Division of the Social Security Tribunal to allow further time for bringing an appeal if the delay is less than a year. In order to be

successful in a request to file a late Notice of Appeal, an Appellant must show that she has a reasonable explanation for the delay.¹

[8] I sympathise with the extreme difficulty the Appellant faced in her personal life. The information she has provided about why her Notice of Appeal was late addresses why she did not file her Notice of Appeal before December 15, 2023. She was away from home and had many other priorities.

[9] However, the Appellant provided no information or detail about the almost two months that passed between her returning home and her filing her Notice of Appeal on February 10, 2023. I can appreciate that she was still dealing with many difficult issues in her personal life, but she has not provided a reasonable explanation for this delay.

Conclusion

[10] The Appellant's request to file her Notice of Appeal late is denied. Her appeal will not be heard.

Benson Cowan
Member, General Division – Employment Insurance

¹ See SST Rules of Procedure, s. 27