



Citation: *TD v Canada Employment Insurance Commission*, 2023 SST 832

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant:	T. D.
Respondent:	Canada Employment Insurance Commission
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Decision under appeal:	General Division decision dated November 2, 2022 (GE-22-2263)
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Tribunal member:	Pierre Lafontaine
Decision date:	June 23, 2023
File number:	AD-23-546

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 because a new favorable case has come to his attention. He wants to re-open his case and try again.

Issues

[3] The issues in this appeal 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.

[5] The General Division rendered a decision on November 2, 2022. It was communicated to the Claimant the same day. The Claimant filed an application for leave to appeal on May 22, 2023. The Application is late.

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.¹

¹ It says this in section 27(2) of the *Social Security Tribunal Rules of Procedure*.

[7] The delay herein is more than six (6) 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 rendered on December 14, 2022, that is currently under appeal before the Appeal Division.² 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.³

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 *AL v Canada Employment Insurance Commission*, 2022 SST 1428. The Commission was granted leave to appeal to the Appeal Division of the General Division decision. (AD-23-13).

³ Although a different legal test, I am following the reasoning in the Federal Court Decision #T-370-95 – *Carrier v Commission* and the Federal Court Decision #A-80-90 – *Attorney General of Canada v Plourde*.