



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *LP v Canada Employment Insurance Commission*, 2023 SST 834
Tribunal File Number: GE-23-464

BETWEEN:

L. P.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Leanne Bourassa

DATE OF DECISION: March 24, 2023

REASONS AND DECISION

OVERVIEW

[1] The Appellant applied for employment insurance benefits. Further to a request for reconsideration, on May 7, 2021, 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 February 13, 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 verbally on May 6, 2021. The Respondent's notes of a conversation with the Appellant show that during that conversation, the Appellant was advised of his rights to appeal to the Tribunal within 30 days. This conversation was followed by a letter dated May 7, 2021. This letter also advised the Appellant he had a right to appeal to the Tribunal within 30 days.

[5] The Tribunal finds that the Appellant brought the appeal to the General Division of the Tribunal on February 13, 2023. This is the date that appears on the timestamp that the documents were received by the Tribunal. 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] I have noted that the Appellant provided an explanation for the delay in filing his appeal with the Tribunal. I understand that he was expecting a resolution to his situation through benefits from the Canada Revenue Agency, but that

these benefits were never paid. I also understand he was angry with the way in which his situation had been handled.

[7] However, I am bound by the law. 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. For that reason, I must find that the appeal was not brought before the Tribunal in time.

CONCLUSION

[8] 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