



[TRANSLATION]

Citation: *ZB v Canada Employment Insurance Commission*, 2023 SST 1181

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant: Z. B.
Representative: A. B.
Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated
April 28, 2023 (GE-23-342)

Tribunal member: Pierre Lafontaine
Decision date: August 30, 2023
File number: AD-23-681

Decision

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

Overview

[2] The Applicant (Claimant) argues that, during the hearing on April 28, 2023, the General Division told her that she would be sent the decision in her case in two weeks. However, it was communicated to her by email that very day. In early June, she contacted the Tribunal to ask about her case. On June 14, 2023, the Tribunal told her that the decision had been emailed to her on April 28, 2023. After receiving the decision letter by mail on June 20, the Claimant filed her application for permission to appeal to the Appeal Division on July 6, 2023.

Issues

[3] The issues are as follows:

- 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] I note that the General Division decision was communicated to the Claimant **and** her representative by email on April 28, 2023.

[5] The Claimant filed her application for permission to appeal to the Appeal Division on July 6, 2023.

[6] I find that the Claimant's application for permission to appeal was late. It was filed more than 30 days after the General Division decision was communicated.

I am not extending the time for filing the application

[7] When deciding whether to extend the time for filing the application, I have to consider whether the Claimant has a reasonable explanation for why her application was late.¹

[8] The Claimant argues that she was late filing her application because, during the hearing on April 28, 2023, the General Division told her that she would be sent the decision in her case in two weeks. However, it was communicated to her by email that very day without her knowledge. She did not receive any decision letter from the Tribunal until June 20, 2023. She then filed her application for permission to appeal.

[9] I note in the file that the General Division decision was communicated to the Claimant's email address **and** that of her representative. On her appeal to the General Division form, the Claimant consented to receiving the Tribunal's communications by email.² Her representative also confirmed that he wanted the Tribunal to send him correspondence by email.³ At the hearing, the General Division told the Claimant that the decision would be communicated to her by email **in two weeks at the most**.

[10] The mere fact that the General Division decision was made quickly is not a reasonable explanation for why the Claimant was late filing her application for permission to appeal when the decision was communicated to her and her representative by email at their request.

Conclusion

[11] I have not granted 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

¹ See section 27(2) of the *Social Security Tribunal Rules of Procedure*.

² See GD2-3.

³ See GD2-7.