



Social Security  
Tribunal of Canada

Tribunal de la sécurité  
sociale du Canada

Citation: *MO v Canada Employment Insurance Commission*, 2023 SST 1177  
Tribunal File Number: GE-23-880

BETWEEN:

**M. O.**

Appellant

and

**Canada Employment Insurance Commission**

Respondent

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**SOCIAL SECURITY TRIBUNAL DECISION**  
**General Division – Employment Insurance Section**

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DECISION BY: Leanne Bourassa

DATE OF DECISION: June 30, 2023

## REASONS AND DECISION

### OVERVIEW

[1] The Appellant applied for employment insurance benefits in September 2020. His claim was not processed until late January 2021, at which time he began receiving benefits. On March 16, 2021, the Respondent disentitled the Appellant from receiving benefits during the period of September 13, 2020, to November 28, 2020. Further to a request for reconsideration, on April 28, 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 March 22, 2023.

[2] The Respondent also issued a decision on March 17, 2021, disqualifying the Appellant from receiving benefits from September 7, 2020. The Appellant asked for that decision to be reviewed and on April 28, 2021 the Respondent issued a decision under section 112 of the Act. That decision modified the period of disqualification to apply only to September 7, 2020 to April 9, 2021. The Appellant also appealed that decision to the Tribunal on March 22, 2023.

[3] There is a further decision by the Respondent disqualifying the Appellant from receiving benefits for the period of April 11 to 24<sup>th</sup>, 2021. This decision, issued in January 2023 is not before the Tribunal at this time because no reconsideration decision has been issued under section 112 of the Act.

[4] 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.

[5] The Tribunal must decide whether the appeals of the April 28, 2021 decisions were brought in time.

## **ANALYSIS**

[6] The Tribunal finds that the Respondent's reconsideration decisions were communicated to the Appellant on April 28, 2021.

[7] The Respondent has submitted notes of conversations with the Appellant on April 27, 2021<sup>1</sup>. These notes show that the Respondent advised the Appellant of the outcomes of the reconsideration of the decisions of March 16 and March 17, 2021.

[8] The Respondent then issued a single letter dated April 28, 2021 confirming the decisions further to the reconsideration of the March 16 and March 17, 2021 decisions.<sup>2</sup> This decision was sent to the same address that appears as the Appellant's address on his Notice of Appeal to the Tribunal. There is no evidence that this letter was returned and undelivered.

[9] In his Notice of Appeal, the Appellant also mentions that these decisions were communicated to him on April 28, 2021.<sup>3</sup>

[10] The Tribunal finds that the Appellant brought the appeal to the General Division of the Tribunal on March 22, 2023. This is the date that appears on the email cover page included with the Notice of Appeal. This is also the date of the electronic date stamp placed on the document by the Tribunal to confirm the date of receipt.

[11] 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.

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<sup>1</sup> See GD3-47 and GD3-48

<sup>2</sup> See GD3-29

<sup>3</sup> See GD2-13

[12] 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**

[13] 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