



[TRANSLATION]

Citation: *MG v Canada Employment Insurance Commission*, 2023 SST 1370

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: M. G.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (424174) dated June 21, 2021
(issued by Service Canada)

Tribunal member: Leanne Bourassa

Type of hearing: In writing

Decision date: July 4, 2023

File number: GE-23-903

Overview

[1] The Appellant applied for Employment Insurance (EI) benefits. After receiving a request for reconsideration from the employer, on June 21, 2021, the Respondent made a decision under section 112 of the *Employment Insurance Act*. The Appellant appealed this decision to the Social Security Tribunal (Tribunal) on March 23, 2023.

[2] Under section 52(2) of the *Department of Employment and Social Development Act*, the General Division may extend the time to appeal up to one year after the day the decision is communicated to the appellant.

[3] The Tribunal has to decide whether the appeal was brought in time.

Analysis

[4] The Tribunal finds that the Respondent's reconsideration decision was communicated to the Appellant by November 10, 2021.

[5] The Appellant argues that the outcome of the reconsideration was communicated to him in February 2023. This isn't what the evidence shows.

[6] I note that the request for reconsideration wasn't from the Appellant, but from his employer. But, the Respondent's notes show that, on June 21, 2021, there were two conversations with the Appellant where he was notified not only of the outcome of the reconsideration, but also of his right to appeal to the Tribunal.

[7] A letter was sent to the Appellant on June 21, 2021, after those conversations. I note that the address the letter was sent to is the same as the Appellant's address on the notice of appeal. The Respondent confirmed that there was no indication that the June 21, 2021, letter had been refused or returned. This letter says that the Appellant had 30 days to appeal to the Tribunal.

[8] I also note that because of the Respondent's reconsideration decision, a notice of debt was sent to the Appellant on June 26, 2021. This explains why a disqualification resulted in an overpayment.

[9] Although the Appellant contacted the Respondent to ask for his file to be reconsidered on February 20, 2023, the Tribunal notes that the Respondent indicated on his form that the decision was communicated to him verbally on June 21, 2021.

[10] Finally, the Respondent's notes also show that, on October 15, 2021, the Appellant contacted the Respondent to find out about the status of his file's reconsideration. The Respondent notes that an agent contacted the Appellant on November 10, 2021, to give him the requested information.

[11] The Tribunal finds that the Appellant filed his appeal to the Tribunal's General Division on March 23, 2023. This is the date on the cover page of the fax the Appellant sent the Tribunal with his notice of appeal. It is also the date of the electronic stamp on the notice of appeal confirming the date the Tribunal received the notice.

[12] 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.

[13] The Tribunal has to apply section 52(2) of the Act, which clearly states that the General Division may extend the time to appeal up to one year after the day the decision is communicated to the appellant.

Conclusion

[14] The appeal to the Tribunal's General Division wasn't filed within the time limit and, as a result, will not proceed.

Leanne Bourassa
Member, General Division – Employment Insurance Section