



[TRANSLATION]

Citation: *RF v Canada Employment Insurance Commission*, 2023 SST 1755

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant: R. F.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated
August 29, 2023 (GE-23-570)

Tribunal member: Pierre Lafontaine

Decision date: December 6, 2023

File number: AD-23-1004

Decision

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

Overview

[2] The Applicant (Claimant) made an initial claim for Employment Insurance (EI) regular benefits effective July 31, 2022. The Respondent (Commission) decided that the Claimant did not have just cause for leaving her job. It also decided that the Claimant had not proven her availability for work. The Claimant appealed to the General Division.

[3] On August 29, 2023, the General Division found that the Claimant did not have just cause for voluntarily leaving her job. This means that she is disqualified from receiving benefits from July 31, 2022. The General Division also found that the Claimant had not proven her availability for work until December 4, 2022.

[4] The Claimant filed her application for permission to appeal to the Appeal Division on November 7, 2023.

Issues

[5] 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

[6] The General Division decision was communicated to the Claimant on August 30, 2023. The decision letter said that the Claimant had 30 days following its receipt to appeal the General Division decision. She did not file her application for permission to appeal until November 7, 2023.

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 not able to reach the Commission to get an update on her file until October 12, 2023. She does not understand why the Commission told her that she was not entitled to benefits when she was successful before the General Division. She almost gave up but decided to continue her efforts.

[9] I note that the General Division found that the Claimant **did not have just cause** under the law for voluntarily leaving her job. This means that she is **disqualified** from receiving benefits from July 31, 2022.

[10] The General Division also found that the Claimant **had not proven her availability** for work between July 31, 2022, and December 3, 2022. However, she had proven her availability when she started working on December 4, 2022.

[11] As a result, the General Division allowed the Claimant's appeal in part only to change the start date for her availability for work, that is, December 4, 2022, when she started working.

[12] The Claimant received the General Division decision with instructions to appeal the General Division decision if she disagreed. It seems that she misinterpreted the General Division decision.

[13] Unfortunately for the Claimant, that is not a reasonable explanation for why her application for permission to appeal to the Appeal Division was late.

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

Conclusion

[14] I am not granting 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