



Citation: *SB v Canada Employment Insurance Commission*, 2023 SST 1646

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant:	S. B.
Respondent:	Canada Employment Insurance Commission
<hr/>	
Decision under appeal:	General Division decision dated June 27, 2023 (GE-23-962)
<hr/>	
Tribunal member:	Pierre Lafontaine
Decision date:	November 17, 2023
File number:	AD-23-835

Decision

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

Overview

[2] The Applicant (Claimant) submits that she is late in filing her application for leave to appeal to the Appeal Division because she suffers from anxiety. She puts forward that she has co-workers that got paid for their waiting period. She is still trying to understand why she is being refused. The Claimant also puts forward that she has a child with mental issues.

Issues

[3] The issues are:

- 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] The delay to file an application for leave to appeal is 30 days after the day on which the decision and reasons are communicated in writing to the Claimant.¹

[5] The General Division rendered a decision on June 27, 2023. It was communicated to the Claimant the following day, on June 28, 2023. The Claimant filed an application for leave to appeal to the Appeal Division on September 5, 2023. The application is late.

¹ Section 57(1) of the *Department of Employment and Social Development Act*, Part 5.

I am not extending the time for filing the application

[6] When deciding whether to grant an extension of time, I must consider whether the Claimant has a reasonable explanation for why the application is late.²

[7] The delay herein is more than two months. I am not satisfied that an extension of time to file an application for leave to appeal is warranted in the case at bar.

[8] The Claimant explains that she is late because she suffers from anxiety and her child suffers from mental issues.

[9] In reviewing the file, I note that the Claimant's last day of work was December 1, 2022.³ She immediately applied for EI benefits on December 5, 2022.⁴ After the initial decision of the Commission, she filed her request for reconsideration within 30 days.⁵ After the reconsideration decision, the Claimant filed her appeal to the General Division on March 29, 2023, within 30 days.⁶

[10] I do not find that the Claimant has given me a reasonable explanation for why her application to the Appeal Division is late when considering the previous history of her file.

Conclusion

[11] I have not given 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

² It says this in section 27(2) of the *Social Security Tribunal Rules of Procedure*.

³ See GD3-16.

⁴ See GD3-13.

⁵ See GD3-20.

⁶ See GD2-1.