



Citation: *AP v Canada Employment Insurance Commission*, 2024 SST 9

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant: A. P.

Respondent: Canada Employment Insurance Commission

Decision under appeal: General Division decision dated September 8, 2023
(GE-23-1851)

Tribunal member: Pierre Lafontaine

Decision date: January 4, 2024

File number: AD-23-986

Decision

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

Overview

[2] The Applicant (Claimant) filed an application for leave to appeal on October 25, 2023. The Claimant confirmed he received communication of the General Division decision on September 11, 2023.

[3] I sent a letter to the Claimant asking him why his application was late. He did not reply. He was given an extension of time to answer. To this date, I have not received an answer from the Claimant.

Issues

[4] 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

[5] 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

[6] The General Division rendered a decision on September 8, 2023. It was communicated to the Claimant on September 11, 2023. The Claimant filed an application for leave to appeal to the Appeal Division on October 25, 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

[7] 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

[8] Despite my requests, the Claimant did not offer any explanation as to why he was late in filing his application for leave to appeal. I also note that he did not provide any grounds of appeal.

[9] I have no choice but to find that the Claimant has not given me a reasonable explanation for why his application to the Appeal Division is late.

Conclusion

[10] 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*.