



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *NB v Canada Employment Insurance Commission*, 2023 SST 1906
Tribunal File Number: GE-23-1439

BETWEEN:

N. B.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Suzanne Graves

DATE OF DECISION: July 24, 2023

REASONS AND DECISION

OVERVIEW

[1] The Appellant applied for Employment Insurance (EI) benefits on January 6, 2021. On January 7, 2021, he asked to antedate (backdate) his claim to August 27, 2020.

[2] Following a request for reconsideration, on January 21, 2021, the Canada Employment Insurance Commission (Commission) decided that the Appellant could not backdate his claim.¹ The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on May 24, 2023.

[3] Section 52(2) of the *Department of Employment and Social Development Act* (DESD Act), says that 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 Commission's reconsideration decision was communicated to the Appellant.

[4] I must decide whether the appeal on the issue of whether the Appellant's application to backdate his claim was brought in time.

ANALYSIS

[5] I find that the Commission made its reconsideration decision on January 21, 2021, and mailed it to the Appellant. Allowing ten days for that decision to be delivered to the Appellant, I find that it was communicated to him by January 31, 2021.

[6] The Appellant appealed to the Social Security Tribunal on May 24, 2023. I find that more than one year passed between when the reconsideration decision

¹ This decision was made under section 112 of the *Employment Insurance Act*.

on the antedate issue was communicated to the Appellant and when the appeal was filed.²

[7] I must apply section 52(2) of the DESD Act which clearly states that no appeal can be brought more than one year after the reconsideration decision was communicated to the Appellant.

CONCLUSION

[8] The appeal to the Tribunal on the issue of whether the Appellant's application for EI benefits can be antedated (backdated) was not brought in time and so it will not proceed.

Suzanne Graves
Member, General Division - Employment Insurance Section

² The Appellant also appealed a different reconsideration decision made by the Commission on April 27, 2023. That appeal will be scheduled for a hearing in a separate appeal file (GE-23-1437).