



Citation: *AC v Canada Employment Insurance Commission*, 2023 SST 1823

## **Social Security Tribunal of Canada Appeal Division**

### **Extension of Time Decision**

**Applicant:** A. C.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** General Division decision dated November 10, 2022  
(GE-22-3391)

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**Tribunal member:** Jude Samson

**Decision date:** December 21, 2023

**File number:** AD-23-1108

## Decision

[1] The Claimant, A. C., was late submitting his application to the Appeal Division. Unfortunately, I cannot give him more time to submit his application. This means that his application cannot proceed and the Appeal Division will close his file.

## Overview

[2] This case is about whether the Claimant could change his Employment Insurance parental benefits from the standard option to the extended option. The Canada Employment Insurance Commission refused the Claimant's request.

[3] The Claimant appealed the Commission's decision to the Tribunal's General Division, but it summarily dismissed his appeal on November 10, 2022. In other words, it dismissed the appeal without a hearing.

[4] The Claimant submitted an application to the Appeal Division on December 6, 2023, more than a year after receiving the General Division decision<sup>1</sup>.

## Issues

[5] This decision focuses on two issues:

- a) Was the Claimant's application to the Appeal Division late?
- b) Can I give the Claimant more time for filing the application?

## Analysis

### The Claimant's application was late

[6] On December 5, 2022, important changes were made to the law that governs the Tribunal.<sup>2</sup> Among those changes, Parliament removed the General Division's power to

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<sup>1</sup> The Claimant acknowledges receiving the General Division decision on November 10, 2022: see page AD1-2.

<sup>2</sup> See Part 4, Division 20 of the *Budget Implementation Act, 2021, No. 1*.

summarily dismiss an appeal.<sup>3</sup> And for people who had already received a summary dismissal decision from the General Division, it set a new deadline for filing an application to the Appeal Division: March 6, 2023.<sup>4</sup>

[7] The Tribunal received the Claimant's application on December 6, 2023, so it was late.<sup>5</sup>

### **I cannot give the Claimant more time to file his application**

[8] When Parliament changed the law, it didn't give the Appeal Division any flexibility to accept late applications from summary dismissal decisions. This means I don't have the power to give the Claimant more time to file his application.

### **Conclusion**

[9] I cannot give the Claimant more time for filing his application to the Appeal Division. As a result, his application will not proceed and the Appeal Division will close his file.

Jude Samson  
Member, Appeal Division

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<sup>3</sup> See section 224 of the *Budget Implementation Act, 2021, No. 1*.

<sup>4</sup> This is 90 days after December 5, 2022: see section 240(1) of the *Budget Implementation Act, 2021, No. 1* and PC 2022-1266.

<sup>5</sup> See document AD1 in the appeal record.