



Citation: *KW v Canada Employment Insurance Commission*, 2023 SST 1895

**Social Security Tribunal of Canada**  
**General Division – Employment Insurance Section**

# Decision

**Appellant:** K. W.  
**Representative:** Don Mercer

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision dated (issued by Service Canada)

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**Tribunal member:** John Noonan

**Decision date:** August 29, 2023  
**File number:** GE-23-1705

## Decision

[1] The appeal won't go ahead. I am not giving the Appellant more time to appeal. In other words, I am not accepting the late appeal. This decision explains why.

## Overview

[2] The Canada Employment Insurance Commission (Commission) made a decision in the Appellant's case. The Appellant asked the Commission to reconsider. The Commission reconsidered and sent the Appellant a letter about its reconsideration decision on November 16, 2022.

[3] The Appellant disagreed with the reconsideration decision, so she appealed it to the Social Security Tribunal (Tribunal) on June 20, 2023.

[4] There is a deadline for appealing to the Tribunal. An appellant who appeals late has to explain why they are late.<sup>1</sup> The Tribunal will give more time to appeal if the appellant has a reasonable explanation for why they are late.<sup>2</sup>

## Issues

[5] I have to decide the following two issues:

- a) Is the Appellant's appeal late?
- b) If so, does she have a reasonable explanation for why her appeal is late?

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<sup>1</sup> See section 27(1) of the *Social Security Tribunal Rules of Procedure* (Rules).

<sup>2</sup> Section 52(2) of the *Department of Employment and Social Development Act* (DESD Act) says that the Social Security Tribunal may allow up to a year. See also section 27(2) of the Rules.

## Analysis

[6] If an appellant disagrees with the Commission's reconsideration decision, they can appeal to the Tribunal.<sup>3</sup> They have to appeal within 30 days after the Commission told them about the decision.<sup>4</sup>

### **The Appellant's appeal is late**

[7] I find that the Appellant's appeal is late.

[8] The Appellant says that the Commission told her about its reconsideration decision on November 16, 2022.

[9] I find that the Commission told the Appellant about its decision on November 16, 2022, because it was mailed to the address supplied by the Appellant on her application for benefits. This address is correct as the Appellant refers to the decision letter of August 18, 2022 in her appeal request. This letter has the same address.

[10] The Appellant had 30 days after November 16, 2022, to appeal to the Tribunal. She appealed on June 20, 2023. She missed the 30-day deadline. This means that the Appellant's appeal is late.

[11] The Appellant never responded to the August 17, 2023 request for additional information regarding the late appeal. The deadline given to respond was August 28, 2023.

[12] I find that the Appellant didn't give a reasonable explanation for why her appeal is late.

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<sup>3</sup> See section 113 of the *Employment Insurance Act*.

<sup>4</sup> See section 52(1)(a) of the *DESD Act*.

## **Conclusion**

[13] The Appellant didn't give a reasonable explanation for why her appeal is late. Because of this, I can't give the Appellant more time to appeal.

[14] This means the appeal won't go ahead.

John Noonan

Member, General Division – Employment Insurance Section