



[TRANSLATION]

Citation: *AL v Canada Employment Insurance Commission*, 2024 SST 415

Social Security Tribunal of Canada
General Division – Employment Insurance Section

Decision

Appellant: A. L.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision dated October 16, 2023 (issued by Service Canada)

Tribunal member: Mylene Fortier

Decision date: March 1, 2024

File number: GE-24-327

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 then asked the Commission to reconsider. The Commission reconsidered and sent the Appellant a letter about its reconsideration decision on October 16, 2023.

[3] The Appellant disagreed with the reconsideration decision. So, he appealed to the Social Security Tribunal (Tribunal) on January 18, 2024.

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

[5] The Appellant says that his file is large and complex, since it also concerns his spouse. He says that he wished to file as complete a file as possible.

[6] He says that the notice of decision dated October 16, 2023, coincided with a busy period on the farm he owns because he was preparing for the winter and at the vineyard where he works because of the harvest season.

Issues

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

- a) Is the Appellant's appeal late?

¹ See section 27(1) of the *Social Security Tribunal Rules of Procedure* (Rules).

² Section 52(2) of the *Department of Employment and Social Development Act* (DESD Act) says that the Social Security Tribunal can grant up to one more year to appeal. See also section 27(2) of the Rules.

b) If so, does he have a reasonable explanation for why his appeal is late?

Analysis

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

[9] If the appellant appeals after the deadline, the Tribunal can give them more time to appeal.⁵ But the appellant needs to have a reasonable explanation for why they are late.⁶

The appeal is late

[10] The Appellant doesn't dispute that his appeal is late.

[11] I accept that the Commission told the Appellant about its reconsideration decision more than 30 days before he appealed to the Tribunal. The Appellant was notified verbally of the decision and of his 30-day right to appeal to the Tribunal on October 16, 2023.

[12] This information was also confirmed in writing by the reconsideration decision dated the same day. On his appeal form, the Appellant indicated that he received the written decision on October 20, 2023.

The Appellant doesn't have a reasonable explanation

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

³ See section 113 of the *Employment Insurance Act*.

⁴ See section 52(1)(a) of the DESD Act.

⁵ See section 52(2) of the DESD Act.

⁶ See section 27 of the Rules.

[14] Being employed in a professional capacity can't be considered a reasonable ground. The Appellant hasn't shown that he was prevented from appealing within the 30-day deadline.

[15] So, I can't find that wanting to present a complete file is a reasonable explanation when the Tribunal doesn't require it. The deadline for filing an appeal with the Tribunal is the same, regardless of the apparent complexity of the file.

Conclusion

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

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

Mylene Fortier

Member, General Division – Employment Insurance Section