



Citation: *MM v Canada Employment Insurance Commission*, 2023 SST 1931

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

# Decision

**Appellant:** M. M.  
**Representative:** Vasugi Selvaelango

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (549333) dated November 15, 2022 (issued by Service Canada)

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**Tribunal member:** Barbara Hicks

**Decision date:** July 27, 2023  
**File number:** GE-23-236

## Decision

[1] The appeal will not move forward. I'm not giving the Appellant more time to appeal. I won't accept the appeal because it was filed late. This decision explains why.

## Overview

[2] The Appellant left their job with X and filed a claim for benefits.

[3] On August 29, 2022, the Canada Employment Insurance Commission (Commission) decided they weren't entitled to receive benefits because the Appellant voluntarily left their job without just cause.

[4] On September 27, 2022, the Appellant asked the Commission to reconsider its decision.

[5] On November 15, 2022, the Commission issued a Notice of Decision which maintained its earlier decision that the Appellant wasn't entitled to receive benefits.

[6] On December 20, 2022, the Appellant filed a Notice of Appeal (NOA) with the Tribunal.

[7] Box 9 of the NOA provides space for an Appellant to explain why their appeal was filed late.

[8] The Appellant did not fill in Box 9. It was left blank.

[9] The NOA included the name and contact information for a representative. It says the representative can be contacted by email.

[10] On March 21, 2023, the Tribunal sent an email to the representative asking for an explanation about why the NOA was filed late. I wanted to know if there was a reasonable explanation for the delay in filing. The email gave the representative until March 31, 2023 to respond.

[11] No response was received by March 31, 2023. At the time of writing, no response has been received.

## Issue

[12] Is the Appellant's appeal late?

[13] If it is late, does the Appellant have a reasonable explanation for why the appeal was filed late?

## Analysis

[14] A person who disagrees with a reconsideration decision made by the Commission can file an appeal with the Tribunal.<sup>1</sup>

[15] They need to file their appeal within 30 days of the day the Commission communicated its reconsideration decision to them (in other words, when the Commission let the Appellant know about the decision).<sup>2</sup>

[16] The Tribunal can accept an appeal filed after the 30-day deadline if the appeal wasn't filed more than one year late.<sup>3</sup> But, a person who files an NOA after the 30-day deadline **must** have a reasonable explanation for why the appeal was filed late. And, they must provide that explanation to the Tribunal.<sup>4</sup>

[17] If an Appellant has a reasonable explanation for why they filed the NOA late, the Tribunal will give the Appellant more time to file their appeal.<sup>5</sup> In other words, the Tribunal can extend the appeal deadline and accept a NOA even though it is late.

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<sup>1</sup> See section 113 of the *Employment Insurance Act*.

<sup>2</sup> See section 52(1)(a) of the *Department of Employment and Social Development Act* (DESDA).

<sup>3</sup> See section 52(2) of the DESDA.

<sup>4</sup> See section 27(1) of the *Social Security Tribunal Rules of Procedure* (SST Rules).

<sup>5</sup> See section 27(2) of the SST Rules.

## **The appeal is late**

[18] The Appellant did not file the NOA within 30 days. This means the Appellant's appeal is late.

## **The Appellant didn't provide a reasonable explanation for being late**

[19] The Appellant hasn't provided an explanation for why they filed the NOA late.

[20] They didn't give any reasons in the NOA and their representative didn't respond when the Tribunal gave them an opportunity to do so.

[21] Since I don't know why the Appellant's NOA was filed late, I cannot give them more time to appeal. This is because the *Social Security Tribunal Rules* (SST Rules) tell me that to be able to do this, the Appellant must give me a reasonable explanation for being late.<sup>6</sup>

[22] The Tribunal has given the Appellant more than one chance to provide an explanation for filing late. The first chance was on the NOA itself. The second was when the Tribunal sent a letter on March 21, 2023.

[23] The Tribunal can't do anything more for the Appellant if they don't respond to a written request about why the NOA was filed late.

[24] I find that the Appellant doesn't have a reasonable explanation for filing the NOA late. Without a reason, I can't conclude that the explanation is reasonable.

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<sup>6</sup> See sections 27(1) and 27(2) of the SST Rules.

## **Conclusion**

[25] The appeal is late, and the Tribunal was not given a reasonable explanation for why it was late. Because of this, I can't give the Appellant more time to appeal.

[26] This means the Appeal will not move forward.

Barbara Hicks  
Member, General Division – Employment Insurance