



Citation: *AA v Canada Employment Insurance Commission*, 2024 SST 823

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant:	A. A.
Respondent:	Canada Employment Insurance Commission
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Decision under appeal:	General Division decision dated February 1, 2024 (GE-23-3365)
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Tribunal member:	Glenn Betteridge
Decision date:	July 16, 2024
File number:	AD-24-435

Decision

[1] I am not giving A. A. an extension of time to apply to the Appeal Division. This means his application will not proceed and the General Division decision stands unchanged.

Overview

[2] A. A. is the Claimant in this case.

[3] He made a claim for Employment Insurance (EI) benefits after his job in a restaurant ended in September 2023. The Canada Employment Insurance Commission (Commission) refused to pay him benefits because it decided he voluntarily left his job without just cause.¹

[4] The Commission confirmed its decision on reconsideration. Then he appealed to the Tribunal's General Division.

[5] On February 2, 2024, the Tribunal emailed the Claimant the General Division's decision dismissing his appeal. It decided he hadn't shown just cause (in other words, a reason the law accepts) for leaving his job when he did.

[6] On June 26, 2024, the Appeal Division received the Claimant's application to appeal the General Division's decision.

Issues

[7] I have to decide two issues:

- Was the Claimant late filing his application to the Appeal Division?
- If his application was late, should I extend the time for him to file his application?

¹ Under section 30(1) of the *Employment Insurance Act*, a person who chooses to leave their job without just cause is disqualified from getting benefits.

Analysis

The Claimant's application to the Appeal Division was late

[8] A person has to file their application to appeal a General Division decision no more than 30 days after the day on which the Tribunal communicated the decision to them.² If they file their application after 30 days, it is late.

[9] In the documents the Claimant sent to the Appeal Division, he admits he sent in his application after the 30-day deadline.³ In other words, he admits he filed his application late.

[10] The information in the General Division file and the Appeal Division file support what the Claimant says.

[11] The Tribunal emailed the General Division decision to the Claimant on February 2, 2024. The Tribunal's rules of procedure say I can assume that he received it the next business day, unless he shows why I should not. He hasn't given evidence or a reason why I should not.

[12] So, I find the Tribunal communicated the General Division decision to the Claimant on February 3, 2024.

[13] The Tribunal received the Claimant's application to appeal the General Division decision on June 26, 2024, by email.⁴ I see this from the electronic stamp the Tribunal put on the bottom of each page of the Claimant's application.

[14] June 26 is more than 30 days after February 3. So, I find the Claimant's application was late. This means it can't go forward unless I extend the time for him to file it.

² This is what section 57(1)(a) of the *Department of Employment and Social Development Act* (DESD Act) says.

³ See AD1B-1 and AD1E-1.

⁴ See AD01.

I am not extending the time for the Claimant to file his application

[15] When a person files their application late, the Appeal Division has the power to extend the time for them to file it.⁵ The Appeal Division gives an extension of time if the person gives a reasonable explanation for why their application was late.⁶

[16] The Claimant explains that he waited longer than 30 days to send in his application because he was waiting to get more evidence to support his appeal.⁷ He says he received that evidence the week before he sent his application to the Appeal Division.

[17] I find this isn't a reasonable explanation.

[18] It's clear from the Claimant's application documents that he disagrees with the General Division decision. He says it's unfair. It's more likely than not he disagreed with the decision when he received it. He didn't need more evidence to figure this out or to file his application.

[19] The Claimant knew or should have known about the 30-day deadline. The cover letter the Tribunal sent with the General Division decision, the application to the Appeal Division form, and the Tribunal's website all highlight the 30-day deadline. And there is nothing on the application form or on the Tribunal website that tells a person they need to get their evidence before filing their application to the Appeal Division.

[20] So, the Claimant hasn't given a reasonable explanation why he filed his application late. This means I can't extend the time for him to file his application.

⁵ Section 57(2) of the DESD Act gives the Appeal Division this power.

⁶ Section 27(2) of the *Social Security Tribunal Rules of Procedure* says this.

⁷ See AD1B-1 and AD1E-1.

Conclusion

[21] I am not extending the time for the Claimant to file his application to the Appeal Division. This means his application will not proceed and the General Division decision stands unchanged.

Glenn Betteridge
Member, Appeal Division