



[TRANSLATION]

Citation: *AM v Canada Employment Insurance Commission*, 2024 SST 881

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

Decision

Appellant: A. M.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision dated October 3, 2023 (issued by Service Canada)

Tribunal member: Mylène Fortier

Decision date: March 4, 2024

File number: GE-24-618

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 October 3, 2023.

[3] The Appellant disagreed with the reconsideration decision, so he appealed to the Social Security Tribunal (Tribunal) on February 15, 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 appeal is late because he made an access to personal information request to the Commission to get his reconsideration request. He says that he had to wait over 30 days to get a copy of his personal information which is why he was late.

[6] The Appellant wants to appeal the Commission's reconsideration decision dated October 3, 2023, to the Tribunal. By this decision, the Commission refused to reconsider its May 4, 2022, decision because the reconsideration request was filed 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 may allow up to a year. See also section 27(2) of the Rules.

Issues

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

- a) Is the Appellant's appeal late?
- 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 Appellant's 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 doesn't have a reasonable explanation

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

[13] I find that the Appellant's explanation that his appeal is late because of his request to access his personal information isn't a reasonable explanation.

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] The Appellant made a request to access his personal information on January 2, 2024, as shown by the letter attached to his notice of appeal.⁷

[15] He says that he asked for access in order to get his request for reconsideration to complete the notice of appeal. But, to file an appeal with the Tribunal, that isn't required.

[16] I note that the Appellant started the process well after the 30-day deadline set out in the law for filing his appeal with the Tribunal, since the reconsideration decision is dated October 3, 2023.

[17] He received a copy of his file on January 17, 2024, and he waited until February 15, 2024, to file his appeal with the Tribunal.

[18] The Appellant didn't explain what prevented him from filing his appeal with the Tribunal within the 30-day deadline set out in the law.

Conclusion

[19] 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.

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

Mylène Fortier

Member, General Division – Employment Insurance Section

⁷ See GD2-9.