



[TRANSLATION]

Citation: *AM v Canada Employment Insurance Commission*, 2024 SST 880

Social Security Tribunal of Canada Appeal Division

Decision

Appellant: A. M.

Respondent: Canada Employment Insurance Commission
Representative: Julie Meilleur

Decision under appeal: General Division decision dated
March 4, 2024 (GE-24-618)

Tribunal member: Jude Samson

Decision date: May 7, 2024
File number: AD-24-207

Decision

[1] I am allowing the appeal of the Claimant, A. M., and giving him more time to appeal to the General Division. I am also sending the file back to the General Division for it to consider the remaining issues in this case.

Background

[2] The Commission decided that the Claimant was overpaid. The Claimant asked the Commission to reconsider its decision. He says that his benefit cheque was fraudulently cashed by someone else. The Commission refused the reconsideration request, saying that it was made late.

[3] The Claimant appealed the Commission's decision to the Social Security Tribunal's General Division. But this appeal was also late. The General Division refused to give the Claimant more time to file his appeal. It found that the Claimant's explanation that he was late because of a request to access information wasn't reasonable.

[4] The Claimant then applied for permission to appeal the General Division's decision to the Appeal Division and I granted him permission to.

The parties agree on the outcome of the appeal

[5] The parties agree on the following:

- The General Division made an error of law by failing to properly analyze the evidence.
- In this situation, I have to allow the appeal and give the decision that the General Division should have given.
- Specifically, the Claimant had a reasonable explanation for the delay in appealing to the General Division, and it should have given him more time to appeal.

- I should send the file back to the General Division for it to consider the remaining issues.

I accept the parties' agreement

[6] Based on the information available to me, I agree with the parties' proposed outcome.

[7] Besides a request to access information, the Claimant also gave other reasons for the delay in filing his appeal with the General Division. For example, he says that he also contacted the Commission's fraud department because his benefit cheque was stolen and cashed by another person.¹ But the General Division didn't mention this explanation in its decision.

[8] So, I am allowing the Claimant's appeal and giving the decision that the General Division should have given. Specifically, the Claimant had a reasonable explanation for the delay in appealing to the General Division. This means the General Division should have given him more time to appeal.

[9] This decision doesn't resolve the main issue in the Claimant's appeal, which is the late reconsideration request. I will send the file back to the General Division for it to consider this issue.

Conclusion

[10] The General Division made an error of law by failing to properly analyze the evidence. This means I am allowing the Claimant's appeal and giving him more time to appeal to the General Division. I am also sending the file back to the General Division to consider the remaining issues.

Jude Samson
Member, Appeal Division

¹ See GD2-4 and AD1-3.