



Citation: *ZZ v Canada Employment Insurance Commission*, 2024 SST 613

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

Decision

Appellant: Z. Z.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision (613860) dated September 26, 2023 (issued by Service Canada)

Tribunal member: Elyse Rosen

Decision date: January 2, 2024

File number: GE-23-3263

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 September 26, 2023. The Appellant says they learned about this decision on October 19, 2023.

[3] The Appellant disagreed with the reconsideration decision, so they appealed it to the Social Security Tribunal (Tribunal) on November 20, 2023.

[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 didn't provide an explanation for why the appeal was late.

Issue

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

- a) Is the Appellant's appeal late?
- b) If so, do they have a reasonable explanation for why their appeal is 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.

Analysis

[7] 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

[8] If an appellant disagrees with the Commission's reconsideration decision, they can appeal to the Tribunal.⁵ They have to appeal within 30 days after the Commission told them about the decision.⁶

The Appellant's appeal is late

[9] I find that the Appellant's appeal is late.

[10] The reconsideration decision is date September 26, 2023. It was sent to the same address that the Appellant gave the Tribunal in their notice of appeal. So, I find that the Appellant would have received it by no later than October 6, 2023. This means they would have had to file their appeal by November 5, 2023.

[11] The Appellant says that the Commission only told them about its reconsideration decision on October 19, 2023. But even if this is the first time the Appellant learned about the reconsideration decision, they would have had to file their appeal by no later than November 18, 2023.

[12] The Appellant appealed on November 20, 2023. This means that the Appellant's appeal is late.

The Appellant doesn't have a reasonable explanation

[13] I find that the Appellant didn't give a reasonable explanation for why their 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 113 of the *Employment Insurance Act*.

⁶ See section 52(1)(a) of the DESD Act.

[14] The form the Appellant filled out to lodge their appeal asked them to explain why their appeal was late. The Appellant left this section of the form blank.

[15] The Tribunal wrote to the Appellant asking for an explanation of why the appeal was late. The Appellant was told they had until December 27, 2023, to provide their explanation.

[16] The Appellant didn't reply within the deadline. But they did email the Tribunal with on December 30, 2023. That email explains why they think the reconsideration decision is wrong, but it doesn't explain why the appeal is late.

[17] Since the Appellant didn't provide any explanation as to why their appeal is late, they don't have a reasonable explanation.

Conclusion

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

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

Elyse Rosen

Member, General Division – Employment Insurance Section