



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *MD v Canada Employment Insurance Commission*, 2024 SST 1179
Tribunal File Number: GE-24-883

BETWEEN:

M. D.

Appellant

and

Canada Employment Insurance Commission

Respondent

SOCIAL SECURITY TRIBUNAL DECISION
General Division – Employment Insurance Section

DECISION BY: Angela Ryan Bourgeois

DATE OF DECISION: April 5, 2024

REASONS AND DECISION

OVERVIEW

[1] The Appellant applied for employment insurance benefits. Further to a request for reconsideration, on December 12, 2022, the Respondent issued a decision under section 112 of the *Employment Insurance Act*.¹ The Appellant appealed that decision to the Social Security Tribunal (Tribunal) on March 1, 2024.

[2] Under subsection 52(2) of the *Department of Employment and Social Development Act* (DESD Act), in no case may an appeal be brought to the General Division of the Tribunal more than one year after the day on which the Respondent's reconsideration decision was communicated to the Appellant.

[3] The Tribunal must decide whether the appeal was brought in time.

ANALYSIS

[4] The Tribunal finds that the Respondent's reconsideration decision was communicated to the Appellant on December 23, 2022, because the Appellant said that that is when he received the reconsideration decision letter.² Further, the Appellant sent the Commission a second reconsideration request about the December 12, 2022 decision on January 6, 2023, so he must have had the December 12, 2022 decision letter by that date.³

[5] The Tribunal finds that the Appellant brought the appeal to the General Division of the Tribunal on March 1, 2024. Documents are filed with the Tribunal on the date the Tribunal receives it. The date stamp on the Appellant's appeal documents shows that his appeal was received by the Tribunal on March 1, 2024.⁴ This is also the date on the Appellant's email to the Tribunal enclosing his appeal documents.

¹ The decision is on page GD3-62 and page GD2-3.

² See page GD2-16.

³ See page GD2-4.

⁴ See page GD2-1.

[6] The Tribunal finds that more than one year passed between when the reconsideration decision was communicated to the Appellant and when the appeal was filed.

[7] The Tribunal must apply subsection 52(2) of the DESD Act which clearly states that in no case may an appeal be brought more than one year after the reconsideration decision was communicated to the Appellant.

CONCLUSION

[8] The appeal to the General Division of the Tribunal was not brought in time and therefore will not proceed.

Angela Ryan Bourgeois
Member, General Division - Employment Insurance Section