



[TRANSLATION]

Citation: *SP v Canada Employment Insurance Commission*, 2024 SST 1164

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

# Decision

**Appellant:** S. P.

**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (519878) dated August 31, 2022 (issued by Service Canada)

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**Tribunal member** Leanne Bourassa

**Type of hearing:** In writing

**Decision date:** September 5, 2024

**File number:** GE-24-1782

### Overview

[1] The Appellant applied for Employment Insurance (EI) benefits. On August 31, 2022, the Respondent made a decision under section 112 of the *Employment Insurance*

Act (EI Act). The Appellant appealed this decision to the Social Security Tribunal (Tribunal) on May 8, 2024.

[2] Under section 52(2) of the *Department of Employment and Social Development Act* (DESD Act), the General Division may extend the time to appeal up to one year after the day the decision is communicated to the appellant.

[3] The Tribunal has to 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 August 31, 2022.

[5] The Appellant argues that she received the response to her reconsideration request in 2022, after she voluntarily left her job.

[6] The Appellant was sent a letter on August 31, 2022, after conversations took place between the Respondent and the Appellant about her request for reconsideration of the Respondent's June 2, 2022, decision.

[7] I note that the address the letter was sent to is the same as the Appellant's address on the notice of appeal. There is nothing to indicate that the letter sent on August 31, 2022, was refused or returned. This letter says that the Appellant had 30 days to appeal to the Tribunal.

[8] The Tribunal finds that the Appellant appealed to the Tribunal's General Division on May 8, 2024. This is the date that appears on the cover page of the fax the Appellant sent the Tribunal with her notice of appeal. It is also the date of the electronic stamp on the notice of appeal confirming the date the Tribunal received the notice.

[9] The Tribunal finds that more than one year passed between the time the reconsideration decision was communicated to the Appellant and the time she appealed.

[13] The Tribunal has to apply subsection 52(2) of the DESD Act, which clearly states that the General Division may extend the time to appeal up to one year after the day the decision is communicated to the appellant.

## **Conclusion**

[11] The appeal to the Tribunal's General Division wasn't filed on time and, as a result, will not proceed.

Leanne Bourassa  
General Division Member – Employment Insurance Section