



Citation: *MM v Canada Employment Insurance Commission*, 2025 SST 442

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

**Decision**

**Appellant:** M. M.

**Respondent:** Canada Employment Insurance Commission

---

**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision 487161 dated June 30, 2022 (issued by Service Canada)

---

**Tribunal member:** Catherine Shaw

**Decision date:** March 25, 2025

**File number:** GE-25-705

## Decision

[1] The appeal won't go ahead.

[2] More than one year has passed between the Appellant receiving the reconsideration decision and filing this appeal. The law says an appeal can't be brought more than one year after you received the reconsideration decision.<sup>1</sup>

## Overview

[3] 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 June 30, 2022.<sup>2</sup>

[4] The Appellant disagreed with the reconsideration decision, so he appealed it to the Social Security Tribunal (Tribunal) on March 5, 2025.<sup>3</sup>

[5] There is a deadline for appealing to the Tribunal. Usually, you have to file your appeal within 30 days of receiving the reconsideration decision. The General Division can give more time for some appeals if you have a reasonable explanation for why you filed your appeal late.<sup>4</sup> But, in no case can an appeal be brought to the General Division more than **one year** after the reconsideration decision was communicated to the Appellant.

[6] The Appellant says that he has been waiting for a judgment against his former employer. He has now received that judgment and says the Commission's decision about his EI benefits should be reversed as a result of what it says.

---

<sup>1</sup> This is set out at section 52(2) of the *Department of Employment and Social Development Act* (DESD Act).

<sup>2</sup> See GD03-39.

<sup>3</sup> See GD02.

<sup>4</sup> Section 52(2) of the DESD Act says that the Social Security Tribunal may allow up to a year. See also section 27(2) of the Rules.

## Issue

[7] I have to decide whether the appeal can proceed. To do this, I have to look at whether the Appellant brought the appeal more than one year after the reconsideration decision was communicated to him.

## Analysis

[8] I find the Commission's reconsideration decision was communicated to the Appellant by July 11, 2022.

[9] The Commission has to prove that it told the Appellant about its decision.<sup>5</sup> The Commission has to prove this on a balance of probabilities. This means it has to show that it is more likely than not that it told the Appellant about its decision when it says it did.

[10] The Appellant doesn't dispute that his appeal is late. He didn't provide an exact date but says it's likely he received the reconsideration decision "with proper timing."<sup>6</sup>

[11] The Commission says that it sent the Appellant the reconsideration decision by mail on June 30, 2022.

[12] The Appellant hasn't disputed that he received the decision by mail. Canada Post usually delivers mail within 10 days in Canada. It is reasonable to believe that is what happened here. This means, the Appellant received the reconsideration decision by July 11, 2022.

[13] The Appellant says that his appeal is late because he had an ongoing grievance with his former employer. It wasn't resolved until the end of 2024. He says the grievance is proof that the decision refusing him EI benefits was wrong.

[14] Unfortunately, the reasons that the Appellant filed his appeal late aren't relevant. The law says that in no case can you bring an appeal to the General Division more than

---

<sup>5</sup> See *Bartlett v Canada (Attorney General)*, 2012 FCA 230.

<sup>6</sup> See GD09.

one year after the reconsideration decision was communicated to you. The Appellant filed his appeal on March 5, 2024, more than one year after he received the reconsideration decision. Because of this, his appeal cannot proceed.

## **Conclusion**

[15] The appeal won't go ahead.

Catherine Shaw

Member, General Division – Employment Insurance Section