



[TRANSLATION]

Citation: *CM v Canada Employment Insurance Commission*, 2024 SST 1490

Social Security Tribunal of Canada Appeal Division

Extension of Time Decision

Applicant:	C. M.
Respondent:	Canada Employment Insurance Commission
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Decision under appeal:	General Division decision dated May 21, 2024 (GE-24-1233 and GE-24-1326)
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Tribunal member:	Pierre Lafontaine
Decision date:	December 2, 2024
File numbers:	AD-24-664 and AD-24-665

Decision

[1] An extension of time to apply to the Appeal Division is refused. The application won't go ahead.

Overview

[2] On January 10, 2023, the Applicant (Claimant) applied for regular benefits. She said that she had stopped working on December 2, 2022, because there was a shortage of work.

[3] The Record of Employment that the employer issued shows that the Claimant voluntarily left her job at the Relais Camping de la Montagne, and that she last worked on February 24, 2023.

[4] The Respondent (Commission) looked at the Claimant's reasons for leaving. It decided that she voluntarily left (or chose to quit) her job and that she had reasonable alternatives to leaving when she did. Because of this, it wasn't able to pay her benefits for the period from March 7, 2023, to March 17, 2023. After this time, she would have stopped working because there was a shortage of work.

[5] The Commission also imposed a monetary penalty of \$682 on her for making a false or misleading statement. On reconsideration, it rescinded the monetary penalty and imposed a non-monetary penalty—a warning letter.

[6] The Claimant appealed to the Tribunal's General Division.

[7] On May 21, 2024, the General Division found that the Claimant wasn't challenging the non-monetary penalty. She didn't have just cause for voluntarily leaving her job on March 7, 2023. This means that she is disqualified from receiving benefits from March 7 to March 17, 2023—when she would have stopped working because there was a shortage of work.

[8] The Claimant asked the Appeal division for permission to appeal on October 7, 2024. She says that the Commission hasn't paid her back for certain amounts. She wants to receive interest and compensation for the delay.

Issues

[9] The issues are as follows:

- a) Was the application to the Appeal Division late?
- b) Should I extend the time for filing the application?

Analysis

The application was late

[10] The General Division decision was communicated to the Claimant on May 23, 2024—when she asked the Tribunal for an appeal form. The decision letter said that she had 30 days to appeal the General Division decision. She only applied for permission to appeal on October 7, 2024.

I am not extending the time for filing the application

[11] When I am deciding whether to extend the time for filing the application, I have to consider whether the Claimant has a reasonable explanation for why the application is late.¹

[12] Before the General Division, the Claimant didn't really challenge that she had voluntarily left or the non-monetary penalty. She also didn't give reasons for appeal on these issues within the time limit that I allowed her.²

¹ See section 27(2) of the *Social Security Tribunal Rules of Procedure*.

² The Claimant had until November 29, 2024.

[13] To explain the delay, the Claimant argues that the Commission had a certain amount of time to pay back the amounts it owed her—something it didn't do. She should be able to have a similar amount of time to appeal. She is still waiting for her money.

[14] Unfortunately for the Claimant, that isn't a reasonable explanation for being more than three months late in applying for permission to appeal to the Appeal Division.

[15] Before deciding the late application, I asked the Commission to give the Claimant a detailed breakdown of what it owed her—or what it still needed to pay her back—based on the General Division decision from May 21, 2024.

[16] The Commission gave detailed information about the overpayments and adjustments that were applicable in many of the Claimant's files. The Commission also issued a statement of account showing a balance of "0" as of October 7, 2024.³ If she is still not satisfied with the Commission's explanations, I suggest that she go to Service Canada to clarify her situation. She can also contact the Canada Revenue Agency since it is responsible for the collection of debts under the Employment Insurance (EI) program.

[17] The Claimant is also asking for compensation. The Tribunal doesn't have jurisdiction to order payment of compensation for damages that she alleges to have experienced.⁴

Conclusion

[18] I am not giving the Claimant an extension of time to apply to the Appeal Division. This means that the application won't go ahead.

Pierre Lafontaine
Member, Appeal Division

³ See AD2-1 and AD2-2. See also AD3-1 to AD3-4.

⁴ See *T. T. v Canada Employment Insurance Commission*, 2018 SST 43; *Canada (Attorney General) v Romero*, A-815-96; and *Canada (Attorney General) v Tjong*, A-672-95.