



Citation: *AD v Canada Employment Insurance Commission*, 2025 SST 1327

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

Decision

Appellant: A. D.

Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission reconsideration decision dated March 21, 2025. (issued by Service Canada)

Tribunal member: Edward Houlihan

Decision date: September 4, 2025

File number: GE-25-2208

Decision

[1] The appeal won't go ahead.

[2] 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

[3] The Appellant worked as an occasional or substitute teacher. He made a claim for Employment Insurance (EI) benefits effective December 22, 2024. The Canada Employment Insurance Commission (Commission) made a decision in the Appellant's case.

[4] It decided that he wasn't eligible for benefits for the two-week Christmas break in the school year because he wasn't able to prove that he was available for work during that period.

[5] The Appellant asked the Commission to reconsider its decision. The Commission reconsidered and advised him that it was not changing its decision. It sent the Appellant a letter confirming its reconsideration decision on March 21, 2025.

[6] The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on July 29, 2025.

[7] 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 only give more time to appeal if the appellant has a reasonable explanation for why they are late.²

[8] The Appellant says that he was late submitting his appeal because he found out in July 2025, that he wouldn't receive benefits in July and August because of the reconsideration decision by the Commission.

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.

Issue

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

- a) Is the Appellant's appeal late?
- b) If so, does he have a reasonable explanation for why his appeal is late?

Analysis

[10] 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

[11] If the appellant appeals after the deadline, the Tribunal can give them more time to appeal.⁵ But the appellant needs to have a reasonable explanation for why they are late.⁶

The Appellant's appeal is late

[12] The Appellant doesn't dispute that his appeal is late.

[13] I accept that the Commission told the Appellant about its reconsideration decision more than 30 days before he appealed to the Tribunal.

The Appellant doesn't have a reasonable explanation

[14] I find that the Appellant didn't give a reasonable explanation for why his appeal is late.

[15] In Box 9 of the Notice of Appeal form appellants are asked to explain why their appeal is late and why their explanation is reasonable.

³ See section 113 of the *Employment Insurance Act*.

⁴ See section 52(1)(a) of the DESD Act.

⁵ See section 52(2) of the DESD Act.

⁶ See section 27 of the Rules.

[16] The Appellant wrote:⁷

My appeal was late because I found out a couple of days ago that I was not getting my payment for the start of summer this year because of the previous decision on my file. The Service Canada employee mentioned because of the previous decision on your file you will not be able to receive payment for the application for benefits submitted in July 2025. If I wanted to clear my file, Service Canada mentioned I would need to appeal the previous decision.

[17] The Tribunal wanted to make sure that the Appellant had fully explained why his appeal was submitted late. He was asked if there were any other reasons for the delay.⁸

[18] The Appellant replied as follows:⁹

The delay in filing my appeal after receiving my reconsideration letter was the fact that my benefits were not payable because of the decision from January 21, 2025, that I was available for work for the two-week Christmas break. **After I received my reconsideration letter, I didn't appeal because I thought for next year I will apply for other jobs for the two-week break.** When I found out in mid-July that my benefits will not be paid in July and August 2025, I decided to appeal the previous decision. The employment benefits employee also did not know why my benefits were not being paid. After further investigation they told me in order to clear your file you will need to appeal the previous decision in January 2025. (emphasis added)

[19] I find that, based on the Appellant's evidence, that he had accepted the Commission's reconsideration decision. He chose not to appeal the decision. He was going to ensure that he could show that he was available for work during the next Christmas break.

⁷ See GD2-6

⁸ See GD5

⁹ See GD6

[20] The Appellant says that he was only now appealing the reconsideration decision because he was told by the Commission that he had to appeal the decision to be eligible for benefits in July and August.

[21] The Appellant explains why he is now appealing the decision. It is not a reasonable explanation for the delay in appealing the decision.

[22] There was no evidence that the Appellant was prevented from submitting his appeal to the Tribunal on time.

Conclusion

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

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

Edward Houlihan
Member, General Division – Employment Insurance Section